**ANNEXES**

**OF THE**

**REPLY**

**BY THE GOVERNMENT OF ROMANIA**

**TO THE LIST OF QUESTIONS OF THE UNITED NATIONS COMMITTEE AGAINST TORTURE (CAT) IN CONNECTION WITH THE THIRD REGULAR REPORT BY ROMANIA**

**ANNEX NO. 1**

**Point 1 - Article 2 (2) (a):** the guaranteeing of the fundamental rights of the detained persons, laid down by Law no. 135/2010 on the Penal Procedure Code:

Article 83, Rights of defendants:

During the course of criminal proceedings, a defendant has the following rights:

a) not to give any statements during criminal proceedings, and their attention shall be drawn to the fact that their refusal to make any statements shall not cause them to suffer any unfavorable consequences, and that any statement they do make may be used as evidence against them;

a1) to be informed of the act for which they are under investigation and the charges against them;

b) to consult the case file, under the law;

c) to have a retained counsel and, if they cannot afford one, in cases of mandatory legal assistance the right to have a court-appointed counsel;

d) to propose production of evidence under the terms set by law, to raise objections and to argue in court;

e) to file any other applications related to the settlement of the criminal and civil part of the case;

f) to an interpreter free of charge, when they cannot understand, cannot express themselves properly or cannot communicate in the Romanian language;

g) to use a mediator, in cases permitted by law;

g1) to be informed of their rights;

h) other rights set by law.

Article 209, Taking in custody:

(...)

(2) A person taken in custody shall be informed forthwith, in a language they understand, of the offence they are under suspicion of having committed and of the reasons for being taken in custody.

(...)

(5) Taking in custody may be ordered only after hearing the suspect or defendant, in the presence of a retained or court appointed counsel.

(6) Prior to hearing, prosecution body or the prosecutor are under an obligation to inform the suspect or defendant that they have the right to be assisted by a retained or court appointed counsel and the right not to make any statement, except for providing information referring to their identity, by drawing their attention that anything they declare can be used against them.

(7) A suspect or defendant taken in custody has the right to inform their retained counsel by themselves or to request criminal investigation bodies or the prosecutor to inform such counsel. The way in which the counsel is informed shall be recorded in a report. A person taken in custody may be denied their right to inform their counsel personally only for well-grounded reasons, which shall be recorded in a report.

(...)

(9) A suspect’s or defendant’s counsel has the right to communicate directly with the former, in conditions ensuring confidentiality.

(10) Taking in custody is ordered by prosecution body or by the prosecutor through an order, which shall include the reasons having caused the taking of such measure, the day and time when custody starts, as well as the day and time when custody ends.

(11) A suspect or defendant taken in custody shall be handed a copy of the prosecutorial order specified by par. (10).

(...)

(16) The prosecutor shall apply to the Justice of Peace of the court of competent jurisdiction for an order to put the defendant on Provisional arrest, after they were taken in custody, at least 6 hours prior to the expiry of the term of their custody.

(17) A person taken in custody shall be informed, under signature, in writing, of the rights under Article 83 and by Article 210 (1) and (2), **their right to access emergency medical assistance**, the maximum term for which such custody may be ordered, as well as their right to file complaint against the ordered measure. If the person taken in custody is unable or refuses to sign, a report shall be prepared.

\*) in accordance with Article IV of EMERGENCY ORDINANCE no. 18 dated 18 May 2016, published in OFFICIAL GAZETTE OF ROMANIA no. 389 dated 23 May 2016, in order to enforce Article 209 (17), Article 218 (4), and Article 228 (2) of the Penal Procedure Code, but also title III “Provisions on cooperation with Member States of the European Union upon enforcing Framework-Decision 2002/584/JHA of the European Union Council dated 13 June 2002 on the European arrest warrant and the surrender procedures between Member States" in Law no. 302/2004 on international judicial cooperation in criminal matters, republished, as subsequently amended and supplemented, the judicial bodies shall provide the suspect, defendant or sentenced person with a written notice concerning their rights during the criminal proceedings or during the procedure for the enforcement of European arrest warrant. The notice shall be delivered in Romanian, in the mother tongue or in a language known by them, as the case may be.

Article 210, Announcement of taking in custody:

(1) Immediately after being taken in custody, a person has the right to inform personally or to request judicial bodies having ordered the measure to announce a member of their family, or another person appointed by them, of their being taken in custody and of the location of their custody.

(2) If a person taken in custody is not a Romanian citizen, they also have the right to inform or to request the informing of the diplomatic mission or consular office of the state they are a citizen of, or, as applicable, an international humanitarian organization, if they do not want to receive assistance from the authorities of their country of origin, or the representative office of the competent international organization, if they are a refugee or, for any other reason, are under the protection of such organization. The General Immigrations Inspectorate shall be informed in all situations of the ordering of preventive measures against this category of persons.

(3) The stipulations of par. (1) and (2) shall also apply accordingly in case of a subsequent change of a location for custody.

(...)

(5) A person taken in custody may be denied their right to make such information personally only for well-grounded reasons, which shall be recorded in a report.

(6) Exceptionally, for well-grounded reasons, such information may be delayed for maximum 4 hours.

**Point 2 - Article 2 (3) (f) -** Timetable of Measures 2018 – 2024 to resolve the issue of prison overcrowding and conditions of detention, in respect of the Ministry of Internal Affairs:

**Stage I: 2018** – new/modernized detention places – **114** [County Police Inspectorate of Galați (34), County Police Inspectorate of Iași (50) and County Police Inspectorate of Maramureș (30)];

**Stage II: 2019 – 2021** – new/modernized detention places – **153** [County Police Inspectorate of Covasna (33), County Police Inspectorate of Alba (33), County Police Inspectorate of Vaslui (45), County Police Inspectorate of Teleorman (22) and County Police Inspectorate of Harghita (20)];

**Stage III: 2021 – 2023** – new/modernized detention places – **1.516** [County Police Inspectorate of Arad, County Police Inspectorate of Giurgiu, County Police Inspectorate of Cluj, County Police Inspectorate of Călărași, General Police Directorate of Bucharest Municipality (D.G.P.M.B.), County Police Inspectorate of Argeș, County Police Inspectorate of Brașov, County Police Inspectorate of Constanța, County Police Inspectorate of Dolj, County Police Inspectorate of Prahova, County Police Inspectorate of Botoșani, County Police Inspectorate of Brăila, County Police Inspectorate of Dâmbovița, County Police Inspectorate of Hunedoara, County Police Inspectorate of Neamț, County Police Inspectorate of Suceava, County Police Inspectorate of Mehedinți, County Police Inspectorate of Tulcea, County Police Inspectorate of Gorj, County Police Inspectorate of Olt, County Police Inspectorate of Bistrița Năsăud, County Police Inspectorate of Satu Mare and County Police Inspectorate of Vrancea].

**Point 3 - Article 2 (5) -** prevention campaigns:

1. “A call may change her life. Be her savior!” was a transnational campaign dedicated to potential victims Romanian nationals in UK, implemented in partnership with a private media player, “My England” and with the support of the Romanian Embassy in the UK. The campaign focused on the Romanian community in the UK and targeted both vulnerable persons, victims / potential victims of trafficking in human beings, and representatives of the general public.
2. “Do not ignore the invisible girl! Her story can be your story!” was a campaign implemented in public-private partnership with the Romanian singer Brighita (BRIGHI) and Cat Music. The core element of the campaign was the song “Invisible”, launched by BRIGHI, illustrating the tragedy of a sexually exploited young woman and familiarizing the public with an overall and emotional image of trafficking in human beings. The clip gathered more than 900,000 views on the website www.youtube.com www.youtube.comin just several weeks after being uploaded. The goals of this campaign were to increase the awareness among vulnerable categories, on the risks associated to sexual exploitation and to inform them on the implications of trafficking in human beings.
3. “The project NO supported by Bancpost” was a prevention action, in partnership with the Commercial Bank Bancpost. The purpose of the campaign was to inform, to inspire and to motivate young people to be pro-active against modern slavery – by putting their talent, passion and energy in informing the public on this phenomenon.
4. “Know your rights! Fulfill your obligations!” and “Break down the wall of indifference! Trafficking in human beings can be prevented!” are 2 out of the 3 consecutive national campaigns conducted by means of the project “Minimizing the extent of trafficking in human beings by better information of citizens” financed by the European Commission through the Police Cooperation Component ISF. The first campaign “Know your rights! Fulfill your obligations!”, launched in 2017, is targeted towards both demand and supply, the main purpose being to increase the degree of awareness by public opinion in connection with trafficking in human beings for labor exploitation. This campaign is targeted to under-aged children between 8 and 18, job-seeking adults in Romania or abroad, persons who could be soliciting the services of traffickers in human beings (employers, work recruiters, etc.), the representatives of institutions and organizations involved in the prevention and fight against trafficking in human beings and the general public. More than 870 prevention activities were performed in implementing this campaign, with more than 55,000 direct beneficiaries.

The second campaign, “Break down the wall of indifference! Trafficking in human beings can be prevented!” was launched on 26 February 2019 and targets both the demand, and the supply, for the purpose of preventing the trafficking in human beings for sexual exploitation purposes.

The third prevention campaign within this project is scheduled to be launched in October 2019 and is aimed at preventing the trafficking in human beings for beggary purposes.

**Point 4 - Article 2 (5) -** professional training and other measures ordered with a view to providing specialized training to prosecutors, to help them identify the victims of trafficking in human beings

**2016**

1. The event *“Trafficking in human beings* *and exploitation of human beings in the context of refugee crisis”*, organized by the European Center for Legal Education and Research, on 18 November 2016;
2. *“Operational meeting in relation to criminal offences of trafficking in human beings”*, organized by Europol;
3. *“Convention on trafficking in human beings”,* theGroup of experts on Action Against Trafficking in Human Beings (GRETA) within the Council of Europe, for the implementation of EU law in the field of human trafficking in Romania;
4. *“Meeting on trafficking in human beings”*, organized by the Directorate for Countering the Organized Crime, on 24 February 2016, at the headquarters of the Directorate for Investigating Organized Crime and Terrorism, with a delegation of police officers from the Republic of Moldova.

**2017**

1. The project “*Legal assistance for victims of trafficking in human beings”*, organized by APADOR-CH Association on 02 February 2017;
2. “*National meeting on matters concerning the action against trafficking in human beings”*, organized by the Directorate for Countering the Organized Crime, in Predeal, between 20 and 23 February 2017;
3. “*OSCE applications - training based on simulations in the action against trafficking in human beings”*, organized by the National Agency against Trafficking in Human Beings, between 05 and 09 June 2017, in Italy;
4. Training on the topic “*Trafficking in human beings”*, organized by the Mission of the International Law Enforcement Academy (ILEA) at the US Embassy, between 8 and 12 May 2017;
5. Project on the topic “*Trafficking in human beings – an approach focused on victims”*, organized by the National Agency against Trafficking in Human Beings on 14 June 2017, in Bucharest;
6. International conference on “*Trafficking in human beings”*, organized by the group of action against trafficking in human beings, operating in the Parliament of Romania, on 26 September 2017;
7. Seminar “*Improvement of the educational support provided to under-age victims of trafficking in human beings”*, organized by the United Nations Office on Drugs and Crime and the French Embassy in Romania, between 27 and 29 November 2017, in Iași;
8. “*Annual reunion of the inter-institutional task force on assisting the victims of trafficking in human beings”*, organized by the Prefect’s Institution of Bucharest Municipality;
9. Seminar organized by the National Institute of Magistracy on the topic “*Action against trafficking in human beings and migration in European context”*, between 20 and 21 October 2017, in Bucharest;
10. “*Joint training sessions (attendance of approximately 40 persons – police servants and prosecutors), on the need to unify judicial practice”*, organized in Bucharest, at the headquarters of the Directorate for Investigating Organized Crime and Terrorism (DIICOT), between 15 and 17 November 2017;
11. “*Reunion of anti-trafficking managers in South-Eastern Europe”*, organized by the International Centre for Migration Policy Development and by the United Nations Office on Drugs and Crime, in Skopje, between 13 and 15 November 2017;
12. The fourth edition of the event *“Together against trafficking in human beings”*, organized by the European Center for Legal Education and Research, in Bucharest, on 25 September 2017;
13. “*Annual conference on the line of fighting against trafficking in human beings”*, organized by the Directorate for Countering Organized Crime, in Constanța, between 03 and 05 May 2017;
14. Workshop “*Purpose of the Internet in trafficking in human beings”*, organized by the institute for assessment and IRES strategies, in Bucharest, on 22 March 2017;
15. Meeting “*Legal assistance provided to victims of trafficking in human beings”*, organized by the Association for the Defense of Human Rights in Romania – the Helsinki Committee (APADOR-CH), on 02 February 2017.

**2018**

1. Workshop “*Trafficking in human beings”*, organized between 01 and 02 February 2018, at the US Embassy in Bucharest;
2. “*Annual conference on the line of fighting against trafficking in human beings”*, organized by the Directorate for Countering Organized Crime, in Brașov, between 07 and 10 May 2018;
3. The Third Reunion of the Management Board in the project “*Trafficking in human beings – an approach focused on victims”*, organized by the National Agency against Trafficking in Human Beings, on 19 April 2018, in Bucharest;
4. “*EUROJUST meeting on strengthening the transboundary cooperation in the field of trafficking in juveniles”*, organized by European Union agency for fundamental rights (FRA) with the support of Eurojust;
5. “*Westeros Project – ISFP-2017-AG-THBX-815267- Strengthening the ability of controlling the trafficking in human beings and the proceeds of such criminal offences, through advanced financial investigations, for the financing line of the European Commission– ISF POLICE – trafficking in human beings”* (budget allocation + project implementation);
6. Meeting on the topic “*trafficking in human beings and recovery of proceeds from the crime”*, organized by Eurojust, between 11 and 12 December 2018 in Nordwijk, The Netherlands;
7. “*Seminar dedicated to the action against trafficking in human beings”*, organized by the Directorate for Criminal Affairs and Pardon within the French Ministry of Justice and French Embassy in Romania, between 21 and 22 March 2019, in Paris;
8. “*National Conference marking the European Day of Action against Trafficking in Human Beings”*, organized by the Ministry of Internal Affairs, on 18 October 2018, in Bucharest;
9. The fifth edition of the event “*Together against trafficking in human beings”*, organized by the Friedrich Ebert Stiftung foundation, on 19 October 2018;
10. International Conference “*Action against trafficking in human beings – a permanent fight”*, organized by the Commission for European Affairs;
11. *Conference “Improving the investigation and recovery of the proceeds of the crime of trafficking in human beings”*, organized by Freedom House Romania, on 28 June 2018, in Bucharest;
12. “*Debates on the topic of fighting against trafficking in human beings”*, organized by the Parliament of Romania, in Bucharest, on 26 April 2018;
13. “*The third reunion of the Management Board within the project Trafficking in human beings – an approach focused on victims”*, organized by the National Agency against Trafficking in Human Beings;
14. “*Meeting of the Group for fighting against trafficking in human beings with a view to assessing the current status, progress, hardship, and current or future projects”,* organized by the Parliament of Romania, in Bucharest, on 11 April 2018.

**Point 5 - Article 2 (5) -** The number of cases settled the object of which consists of criminal offences of trafficking in human beings ,the number of defendants arraigned for having committed such criminal offence (in the specified period) and data on the sentences imposed

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **YEAR** | **SETTLED CASES** | | | | | **VICTIMS** | | **ARRAIGNED PERSONS** | | |  |
| **Total, of which:** | **Minors** |
| **TOTAL** | **Arrested persons** | **Minors** |  |
| **TOTAL: of which** | **Indictments** | **Agreement for admitting to the guilt** | **Waiver of criminal prosecution** | **Dismissal** |
| **2016** | 552 | 132 | 4 | 0 | 416 | 483 | 245 | 352 | 208 | 16 |
| **2017** | 532 | 113 | 19 | 0 | 400 | 609 | 225 | 451 | 249 | 22 |
| **2018** | 601 | 103 | 15 | 0 | 483 | 312 | 139 | 400 | 209 | 16 |

1. Cases settled in the court proceedings stage:

|  |  |  |  |
| --- | --- | --- | --- |
| **YEAR** | **Number of cases irrevocably settled** | **Number of arraigned defendants** | **Observations** |
| **2016** | 181 | 472 | - |
| **2017** | 117 | 303 | - in respect of 5 defendants, the educational measure of admission to a detention center was ordered,  - in respect of 1 defendant, a criminal fine was imposed;  - in respect of 1 legal entity defendant, the court imposed a sentence consisting of criminal fine amounting to RON 60,000 |
| **2018** | 90 | 204 | - |

1. Data on the sentences imposed:

|  |  |  |  |
| --- | --- | --- | --- |
| **YEAR** | **Sentences imposed to be served in prison (sentence limits)** | **Sentence imposed to be served on probation (sentence limits)** | **Observations** |
| **2016** | 1 year - 10 years imprisonment | 6 months – 3 years |  |
| **2017** | 1 year and 4 months – 10 years imprisonment | 1 year – 3 years and 4 months |  |
| **2018** | 6 years and 8 months – 14 years and 6 months imprisonment | 1 year and 6 months – 2 years | Educational measures: 3 months – 5 years (sentence limits) |

**Point 6 - Article 2 (7) (b) -** territorial structure comprised of 3 regional Centers:

- the regional center of Alba, having jurisdiction over the following counties: Alba, Bihor, Bistrița Năsăud, Brașov, Cluj, Covasna, Harghita, Hunedoara, Maramureș, Mureș, Sălaj, Satu-Mare and Sibiu;

- the regional center of Bacău, having jurisdiction over the following counties: Bacău, Botoșani, Brăila, Galați, Iași, Neamț, Suceava, Vaslui, Vrancea;

- the regional center of Craiova, having jurisdiction over the following counties: Arad, Argeș, Caraș Severin, Dolj, Gorj, Mehedinți, Olt, Timiș and Vâlcea.

**Point 7 - Article 2 (7) (c) -** round tables/symposia /conferences organized by NPM:

- the round table “*Monitoring of detention facilities by the Field for the prevention of torture in detention facilities* *(NPM), outcome and hardship encountered. The obligations of the visited institutions in fulfilling NPM duties*” (23 November 2017);

This meeting was attended by the following: the Governmental Agent of Romania to the European Court of Human Rights, representatives of the Prosecutor’s Office attached to the High Court of Cassation and Justice, National Prison Administration, Jilava Prison, General Inspectorate of Romanian Police, General Inspectorate for Immigration, National Authority for the Protection of Children’s Rights and Adoption, General Directorates for Social Assistance and the Protection of Children’s Rights, the Institute of Forensic Medicine “Mina Minovici”, the College of Social Assistants and the Romanian College of Physicians, non-governmental organizations, a delegation from the Ombudsman institution in the Republic of Moldova, in Romania for a study visit to the institutions for the protection of human rights in Romania;

- the conference “*OPCAT 10 YEARS OF TORTURE PREVENTION. The activity of the Field for the prevention of torture in detention facilities in the first years of fulfilling the duties of the National Prevention Mechanism*”, on which occasion the *Role of public authorities in implementing the recommendations issued by the Ombudsman”* (9 November 2016) was debated; the topic concerned the collaboration of the Field for the prevention of torture in detention facilities with public authorities (the Ministry of Justice, the Parliament, the Ministry of Labor, the Ministry of Internal Affairs, the Ministry of Health), in order to enforce the recommendations issued following the visits, likely to strengthen the protection of individuals against torture and against inhuman or degrading treatment or punishment and non-discrimination in the exercise of their rights and fundamental freedoms;

- meetings with the general manager and with the deputy general manager of the National Prison Administration, representatives of the General Inspectorate for Immigration, etc., on which occasion the following were debated: monitoring the prisons /migrant center by visiting teams of the Field for the prevention of torture in detention facilities; solutions for implementing the recommendations comprised in the Visit Reports of the Field for the prevention of torture in detention facilities;

- meetings with the minister of labor, representatives of the National Authority for the Protection of Human Rights and Adoption, the National Authority for Disabled Individuals, the General Directorates for Social Assistance and Child Protection, on which occasion matters were discussed relating to monitoring the centers where juveniles, disabled adults and elderly are held in custody.

**Point 8 - Article 2 (7) (d) –** the 32 Non-Governmental Organizations that the prevention of torture in detention facilities cooperates with:

- at the level of the Regional Center of Bucharest (12 Non-Governmental Organizations): the European Association for the Protection of Human Rights (AEPADO); the Romanian Group for Human Rights (GRADO); the “ANAIS” Association; the Romanian Association for Transparency; the National Council for Refugees (CNRR); the Independent Society for Human Rights (SIRDO); the Foundation for the Protection of Citizens’ Rights against State Abuse (FACIAS); the Organization for the Protection of Human Rights (OADO); the ICAR Foundation, the “Vocea Copiilor Abandonați” Association, the “Institutionalized Youth Council” Association, “Junii” Association.

- at the level of the Regional Center of Alba (8 Non-Governmental Organizations): LADO Association Cluj; “Amuradia” Association Brașov; the Association for Safety and Anti-Drug (ASCA) Harghita Subsidiary; the Association for Community Partnership Brașov; “Împreună pentru ei” Humanitarian Association of Baia Mare; “Un copil, o speranță” Foundation of Sibiu; “Ruhama” Foundation of Oradea; Orthodox Philanthropy of Aiud.

- at the level of the Regional Center of Bacău (10 Non-Governmental Organizations): Pro Democraţia Association of Piatra Neamţ; Christian Roma Association “Calea, Adevărul si Viaţa” Bacău; “Alternative Sociale” Association of Iași; “Familia” Foundation of Galați; the Association Institute for Social Partnership of Bucovina; the Community Support Fundation of Bacău; “Aproape de Oameni” Association of Iași – A.D.O.; the Association for Community Support and Social Integration – ASCIS; Children’s Home Association Sf. Maria Ajutorul Creștinilor of Bacău; the Association of Action and Resources for the Community (ARC) of Bacău.

- at the level of the Regional Center of Craiova (2 Non-Governmental Organizations): the Organization for the Protection of Human Rights (Dolj Subsidiary) OADO; the League for the Protection of Human Rights (Timișoara Subsidiary).

**Point 9 - Article 2 (7) (d) -** actions undertaken by NPM at national and international level:

At the national level:

●round table organized on 26 March 2018 with the personnel of the Regional Center of Craiova, on the topic “Investigation, analysis, reporting of injury marks, CPT practice, Istanbul Protocol”.

● workshop organized on 30 March 2018 by the Romanian National College of Social Assistants–Bacău Subsidiary, on the topic “Social assistance, pillar for the sustainable development of community”, an event organized for the Day of Social Assistance 2018.

● event organized on 12 April 2018, by the management of the General Immigration Inspectorate of Bucharest, for the 137th anniversary since the promulgation of the first League of foreigners.

● debate on the topic “Human Rights – Romanian institutional standards, experience and practices ", organized by Titu Maiorescu University, on 23 April 2018.

● round table on the topic “Regulating the enforcement of safety measures of a medical nature – a necessity for Romania″, organized on 22 May 2018 by the Commission for equal opportunities within the Senate of Romania, the Health and Family Commission of the Chamber of Deputies, IRDO, the Romanian Council for Disability and the Romanian Forensic Psychiatric Medicine Association, at the Palace of Parliament.

● task force organized at the headquarters of Ombudsman institution, between 12 and 13 June 2018 with all personnel of the Field for the prevention of torture in the detention facilities on the topic – documenting torture cases, analysis of CPT practice, SPT, Istanbul Protocol.

● debates on the “Role of Psychologist in the Romanian Society”, organized on 3 July 2018 by the Romanian College of Psychologists and the Labor and Social Protection Commission, the Chamber of Deputies, at the Palace of Parliament.

● quarterly meeting held on 13 July 2018, in Bacău Prison, in connection with the exchange of experience in the Social Reintegration Strategy, in accordance with Government Decision no. 389/2015 on the National Plan for implementing the Social Reintegration Strategy.

●participatoryassessment, organized on 30 august 2018, by UNHCR Bucharest, at the Center for Accommodation and Procedures for Asylum Seekers in Bucharest.

●workshop on the topic: “Inter-institutional cooperation aimed at facilitating the social reintegration of persons deprived of liberty”, organized on 19 October 2018 by Mărgineni Prison in partnership with the Territorial Branch of Prahova-Romanian College of Social Assistants of Romania.

● Fifth Edition on the National Interprison Festival “InterFest”, organized by Bucharest-Jilava Prison, on 11 September 2018, at the headquarters of the prison.

● seminar organized between 01 and 02 November 2018 in Bucharest by the Romanian Jesuite Refugees Service Association (JRS Romania) in partnership with the Romanian Representative Office of the United Nation High Commissioner for Refugees (UNHCR).

● symposium organized between 1 and 2 November 2018, with international participation, on the topic “School – the main means of preserving the liberty of soul in an oppressive environment”. The symposium took place at the headquarters of “Vasile Alecsandri” University of Bacău and was organized by Bacău Prison, TART Association, in partnership with Bacău Town Hall, “Vasile Alecsandri” University, the County School Inspectorate of Bacău, the Romanian College of Social Assistants – Territorial Structure of Bacău, Romanian College of Psychologists –Bacău Subsidiary.

● the activity “Live Library” organized on 2 November 2018 by Slobozia Prison in cooperation with the County Library “Ștefan Bănulescu” of Slobozia,

● event organized between 21 and 22 November 2018, in the Multiart Festival for inmates “Dana Cenușă-Unashackled through culture”, a project conducted by the National Prison Administration in cooperation with “Nottara” Theater of Bucharest as part of the International Theater Festival “Fest(in) pe Bulevard”. The event gathered together artists and bands of actors –inmates from the entire penitentiary system, in an attempt to allow the general public to have direct contact with a less readily accessible reality.

● round table organized between 18 and 19 October 2018 on the topic “Importance of courts of law in the asylum procedure, placing foreigners in public custody and imposing other restrictive measures to asylum-seekers”, organized by UNHCR and the National Institute of Magistracy. The round table was attended by the following: Mr. Eduardo Yrezabal, representative of UNHCR in Romania, who gave a brief speech describing the activity of the United Nation’s High Commissioner for Refugees in Romania; representatives of the National Institute of Magistracy, of the General Inspectorate for Immigration (the Directorate for Asylum and Integration and the Migration Directorate) and of JRS Romania.

● Conference on the topic: “Integration of migrants and refugees in Romania: progress and current concerns”, organized on 26 November 2018 by the Center for Public Innovation - Bucharest.

● workshop on the topic: “Inter-institutional cooperation – driving factor of social reintegration of persons having served a sentence involving deprivation of liberty”, organized on 7 December 2018 by Slobozia Prison in partnership with the Territorial Branch of Tulcea-Romanian College of Social Assistants in Romania.

● Meeting with all members of the Ombudsman institution, between 12 and 13 December 2018, at the headquarters of the Ombudsman institution in Bucharest, where the analysis included the NPM activity performed during 2018.

*At the international level*

● European conference “Monitoring the homes for older persons”, between 11 and 13 March 2018, organized by NPMs in Germany and Austria under the aegis of European Council, in Trier, Germany.

● Meeting of the NPM network for South-Eastern Europe, between 29 and 30 May 2018, in Podgorica, Montenegro, focusing on preventing suicide and overdosing in detention facilities and NPM by-laws in Member States.

● workshop IOI for NPMs, on the topic “Reinforced monitoring on NPM recommendations”, organized by the Ombudsman Office of the Danish Parliament in Copenhagen, together with partners within the Association for the Prevention of Torture (APT), between 6 and 10 November 2018.

● meeting organized by the Association for the Prevention of Torture (APT) and the Office for Democratic Institutions and Human Rights (ODIHR) within the Organization for Security and Cooperation in Europe (OSCE), between 03 and 04 December 2018, in Milan, Italy, on the topic “Prevention of torture and ill-treatment in the context of immigrant detention”.

● round table on the topic “Efficient alternatives to detention in the context of immigration″, organized by the Ombudsman institution of Montenegro, together with partners from the Council of Europe in Podgorica, between 11 and 12 December 2018.

● conference “National Prevention Mechanisms in the fight against overcrowding in detention facilities. Approaches and strategies", 18-19 December 2018, Tunisia.

●Internationalconference dedicated to the 10th anniversary from the creation of NPM in Armenia, organized between 28 and 29 December 2018, in Erevan, Armenia.

**Point 10 - Articles 2, 11 and 13-16 (8) (f) -** the number of places distributed to police agent schools within the structure of the General Inspectorate of Romanian Police in the past four years:

**Year 2016**

a) “Vasile Lascăr” Police Agent School of Câmpina: out of all 700 places, 16 were dedicated to Roma ethnicity applicants; mention is to be made that 14 Roma were admitted, the remaining 2 places were redistributed;

b) “Septimiu Mureşan” Police Agent School of Cluj – Napoca: out of all 150, 6 places were dedicated to to Roma ethnicity applicants; mention is to be made that 1 Roma was admitted, and the remaining 5 places were redistributed;

c) “Alexandru Ioan Cuza” Police Academy of Bucharest: out of all 250 for the Bachelor Degree University Education Program Public Order and Safety: 6 places were dedicated to Roma ethnicity applicants, 5 places to Hungarian ethnicity citizens and 3 places to citizens of other national minorities.

**Year 2017**

a) “Vasile Lascăr” Police Agent School of Câmpina: out of all 1000 places, 14 places were dedicated to Roma ethnicity applicants; mention is to be made that 13 Roma were admitted and one place was redistributed;

b) “Septimiu Mureşan” Police Agent School of Cluj – Napoca: out of all 150, 6 places were dedicated to to Roma ethnicity applicants; mention is to be made that all six places were redistributed;

c) “Alexandru Ioan Cuza” Police Academy of Bucharest: out of all 270 for the Bachelor Degree University Education Program Public Order and Safety: 8 places were dedicated to Roma ethnicity applicants, 6 places to Hungarian ethnicity citizens and 4 places to citizens of other national minorities.

**Year 2018**

Session of January 2018

a) “Vasile Lascăr” Police Agent School of Câmpina: out of all 1300 places, 16 places were dedicated to Roma ethnicity applicants; mention is to be made that 9 Roma were admitted, and the 7 places which remained vacant out of those dedicated to Roma ethnicity applicants were occupied by 7 applicants – from the majority ethnicity from the ranks of the school;

b) “Septimiu Mureşan” Police Agent School of Cluj – Napoca: out of all 300, 6 places were dedicated to Roma ethnicity applicants; mention is to be made that 2 Roma were admitted, and the 4 places which remained vacant out of those dedicated to Roma ethnicity applicants were occupied by 4 applicants – from the majority ethnicity from the ranks of the school;

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a) “Vasile Lascăr” Police Agent School of Câmpina: out of all 1300 places, 30 places were dedicated to Roma ethnicity applicants; mention is to be made that 23 Roma were admitted, and 7 places were occupied by Romanian applicants;

b) “Septimiu Mureşan” Police Agent School of Cluj – Napoca: out of all 300, 10 places were dedicated to Roma ethnicity applicants; mention is to be made that 3 Roma were admitted, and 7 places were occupied by Romanian applicants;

c) “Alexandru Ioan Cuza” Police Academy of Bucharest: out of all 305 for the Bachelor Degree University Education Program Public Order and Safety: 8 places were distributed to Roma ethnicity applicants, 6 places to Hungarian ethnicity citizens and 4 places to citizens of other national minorities.

**Year 2019**

Session January 2019

a) “Vasile Lascăr” Police Agent School of Câmpina: out of all 1300 places, 30 places were dedicated to Roma ethnicity applicants; mention is to be made that 19 Roma were admitted, and the 11 places which remained vacant out of those dedicated to Roma ethnicity applicants were occupied by 11 applicants – from the majority ethnicity from the ranks of the school;

b) “Septimiu Mureşan” Police Agent School of Cluj – Napoca: out of all 300, 10 places were dedicated to Roma ethnicity applicants; mention is to be made that 1 Roma was admitted, and the 9 places which remained vacant out of those dedicated to Roma ethnicity applicants were occupied by 9 applicants – from the majority ethnicity from the ranks of the school.

**Point 11 - Articles 2, 11 and 13-16 (8) (h) -** Training activities involving the field of prevention and investigation of criminal offences committed for racial reasons which took place at the level of Romanian Police, between 2014 and 2018:

1. Between 18 and 20 December 2017, 20 police officers attended the Program of Access to Justice for Roma women – JUSTROME organized by the Council of Europe in Bucharest.

2. The project “Integrated approach for the prevention of victimization in Roma communities”, financed through the Norwegian Financial Mechanism commenced in October 2014, had an implementation period of 30 months, until 30 April 2017, and its partners are the Office for Democratic Institutions and Human Rights within OSCE, the Institute of National Economy within the Romanian Academy and Roma Center for Social and Education Intervention - Romani CRISS.

The goal of the project consisted of increasing the awareness degree, at the level of law-enforcing institutions, into the phenomenon of victimization in Roma communities, but also the prevention and mitigation of victimization among vulnerable individuals within Roma communities, by using scientifically validated instruments. In this project, 15 training activities were conducted, consisting of educating 300 Romanian police servants in the field of preventing and fighting against hate-driven criminal offences and in the field of special techniques for interviewing the victims of such criminal offences.

The training took place in the Center for Training and Improving of Police Servants “Nicolae Golescu” of Slatina.

3. The project “Promoting the concept of proximity police in rural areas, in particular in Roma communities or other disadvantaged communities, in socio-economic terms”, took place in the Swiss-Romanian Cooperation Program.

In this context, in 2016, a Curriculum was drawn up for the Roma culture and language course, accompanied by an Analytical Program and Methodological Guidelines of the course. In reliance upon such documents, in the Center for Training and Improving of Police Servants “Nicolae Golescu” of Slatina, 80 police servants holding management positions were trained, in 4 sessions, in the field of “Romani language and culture”.

Police officers were recruited from all units of Romanian Police, thus attesting to availability in the training field for police servants wishing to take part in operative missions abroad and requiring a minimum level of knowing the Romani language, where trainers are Romani teachers employed by contract for that project. Likewise, in 2016, a study visit was undertaken in Switzerland, at Savatan Academy, by 5 experts involved in this project, thus achieving an exchange of good practices in the field of public order and safety, but also initial training and permanent education.

4. The project “Reinforcing the capacity of the arrest detention system to align to the relevant international instruments on human rights”, in which the General Inspectorate of Romanian Police was the program promoter, and the Ministry of Justice was the program operator, aiming at organizing training stages of police officers in arrest detention centers.

In 2016, in the Center for the Training and Improvement of Police Officers “Nicolae Golescu” of Slatina, the initiation training for Romani language and culture was organized, attended by 53 police officers.

At the same time, in 2016, 3 (three) additional training sessions dedicated to police servants in arrest detention centers were organized, attended by 60 participants, both in “Septimiu Mureşan” Police Agent School of Cluj Napoca, and in the Center for Training and Improvement of Police Officers “Nicolae Golescu” of Slatina.

Mention is to be made that the Curriculumul of the Police Servant Training Center “Nicolae Golescu” of Slatina, includes training courses for police agents employed from external source, dedicated to hate-driven criminal offences, concerning human rights and separate topics for the removal of all forms of discrimination.

Furthermore, between 07 and 25 May 2018, an advanced level course was organized for Romani language and culture, at the Center for Training and Improvement of Police Officers “Nicolae Golescu” of Slatina, as part of the project “Promoting the concept of proximity police in rural areas, in particular in Roma communities or other disadvantaged communities, in socio-economic terms” financed through the Romanian-Swiss Cooperation Program, attended by 40 police servants.

Between 01 and 19 October 2018, the course “Initiation in Romani language and culture” was organized, at the Center for Training and Improvement of Police Officers “Nicolae Golescu” of Slatina, as part of the project “Promoting the concept of proximity police in rural areas, in particular in Roma communities or other disadvantaged communities, in socio-economic terms”.

The above-mentioned program builds specific linguistic skills in the Romani language, in particular the trainees’ ability to use the Romani language, in the context of the current activity within the General Inspectorate of Romanian Police, in line with the descriptors of performance levels A1 and A2, as specified in the Curriculum Framework for the Romani Language, but also inter-cultural relation skills – by becoming familiar with elements relating to Roma norms, traditions, customs and history.

**Point 12 Articles 2, 11 and 13-16 (8) (h) -** activities attended by the prosecutors:

- ODIHR Practical Guide on Criminal Justice Agencies Engagement with Victims of Hate Crime Consultation Meeting with Government Experts, OSCE-ODIHR, Warsaw, 6 July 2018;

- EU High Level Group on Combating Racism, Xenophobia and Other forms of Intolerance – meeting no. 5 of 13-14 June 2018, Brussels, meeting no. 6 of 16-17 October 2018, Vienna and meeting no. 7 of 20 March 2019, Brussels;

- Meeting of the Subgroup of EU on Countering Hate Speech Online - Brussels, 12 March 2018.

**Point 13 - Article 3 (9) (a) –** The Non-refoulement principle in the asylum field, as laid down in Article 6 of Law no. 122/2006 on asylum in Romania:

“(1) The asylum seeker cannot be expelled, extradited or forcibly returned from the border or from Romanian territory, except for the cases provisioned by Article 44 of Law no. 535/2004 on the prevention and fight against terrorism.

(2) The person who has been recognized as a refugee or who has been granted subsidiary protection is protected against expulsion, extradition or the return to the country of origin or any state in which one’s life or liberty has been placed in danger or would be subjected to torture, inhuman or degrading treatment.

(3) Notwithstanding the provisions of paragraph (2) and without automatically affecting the form of protection that one is the beneficiary of, the person who has been recognized as a refugee or who has been granted subsidiary protection can be removed from Romanian territory if:

a) There are sound reasons for the person in question to be considered a danger to the security of the Romanian state; or

b) The person in question, being convicted of a serious criminal offence by final decision, is a danger to public order in Romania.

(4) For the purpose of this law, a serious criminal offence is considered any crime for which the law requires the punishment to deprivation of liberty with a special maximum sentence of over 5 years.”

**Point 14 - Article 11 (13) (a) -** The plan to resolve the issue of prison overcrowding and conditions of detention for the period 2018-2024:

**Stage I: 2018** – new accommodation places– 316, upgraded places – 500;

The steps taken consisted of identifying the premises and venues the intended use of which may be changed into accommodation places, by intervention/current repair/upgrading works and by completing the works initiated in previous years. New accommodation places will be commissioned in the following prisons: Giurgiu (30), Găești (96), Deva (70), Codlea (80), Târgu Jiu (40), and upgraded places in Deva (500).

**Stage II: 2020** – new accommodation places – 44;

The steps taken consisted of carrying on the activities for building the new accommodation places, starting and completing certain works initiated before 2020. New accommodation places will be commissioned in Târgu Jiu Prison (44).

**Stage III: 2021** – new accommodation places – 508, upgraded places – 85;

New accommodation places will be commissioned in the following prisons: Craiova – External Section of Ișalnița (80), Focșani (118), Constanța-Poarta Albă – External Section of Valu lui Traian (80), Ploiești – External Section of Moara Nouă (80), Brăila Detention Facility -Tichilești (150), and upgraded: Târgu Ocna Hospital (85).

**Stage IV: 2022** – new accommodation places – 3997, upgraded places – 666;

New accommodation places will be commissioned in the following prisons: Aiud (200), Baia-Mare (420), Botoșani (400), Deva (250), Mioveni (120), Galați (186), Gherla (300), Găești (96), Pelendava (325), Ploiești – External Sections of Movila Vulpii (150), Târgu Mureș (210), Vaslui (210), Ploiești-Târgșorul Nou (90), Educational Facility of Târgu Ocna (65), Târgu Ocna Hospital (75) and upgraded in Constanța-Poarta Albă (486), Mioveni (180) and Unguriu Prison (900).

**Stage V: 2023** – new accommodation places – 2730;

New accommodation places will be commissioned in the following prisons: Bistrița (600), Mioveni (190), Iași (600), Constanța-Poarta Albă (300), Timișoara – External Section of Buziaș (300), Ploiești Târgșorul Nou (240) and Prison P47-Berceni (500).

**Stage VI: 2024** – new accommodation places – 500 – Prison P47-Berceni (500).

During the Government session dated 06 December 2017, the Memorandum on the topic Decision on the expediency of financing the physical infrastructure of the Romanian prison system, by means of a project financed through reimbursable foreign funds was approved. The project is aimed at identifying and providing the foreign funds necessary for the physical infrastructure of four separate facilities, as follows:

* Berceni Prison (located in Prahova County);
* Unguriu Prison (located in Buzău County);
* The Facility for training and recovery of work ability Rodbav (Brașov County);
* The National Institute for Prison Administration (locality of Pantelimon). This institute will be developed on the partially built constructions, in the building located in Pantelimon, taken over from the National Anti-Corruption Prosecutor’s Office in 2006. The generic benefit of this component consists of initial and permanent training for the employees within the National Prison Administration.

**Point 15 - Article 16 (17) (b)-(d) –** normative acts regarding the healthcare assistance is provided to persons deprived of liberty:

* Law no. 95/2006 on healthcare reform, republished, as subsequently amended and supplemented;
* Law no. 46/2003, law on the patients’ rights, as subsequently amended and supplemented;
* Joint order of the Minister of Justice and of the Minister of Health no. 429/C-125/2012 on the provision of healthcare to persons deprived of liberty in the custody of the National Prison Administration;
* Law no. 487/2002, law on mental health and the protection of persons suffering from mental disorders, republished, as subsequently amended and supplemented;

Cooperation Protocol no. AP2114/2013 – 52465/2013 between the Ministry of Health and the National Prison Administration on setting forth the cooperation framework on increased public healthcare services provided to the population in the detention system.

**ANNEX NO. 2**

*Translation from Romanian:*

**THE PUBLIC MINISTRY**

**THE PROSECUTOR’S OFFICE ATTACHED TO**

**BUCHAREST COURT OF APPEALS**

Data controller 2701

Case no. 1606/P/2010

**ORDINANCE**

25 October 2011

**PÎRLOG GIGEL** – Prosecutor with the Prosecutor’s Office attached to Bucharest Court of Appeals – Special Procedures Section.

Further to examining the preliminary proceedings conducted in criminal case no. 1606/P/2010, in which proceedings preliminary to the initiation of criminal prosecution were conducted against the following persons:

* Gheorghe Cristian, investigated for having committed the criminal offences of illegal arrest and abusive investigation, as provisioned for and punished by Article 266 (1) and (2) of the Penal Code and ill-treatment, as provisioned for and punished by Article 267 of the Penal Code;
* Huidan Tudorache, Acsente Daniel Sorin, Grecu Ionuţ Alin, Vişu Valentin, Dănăilă Ionel, Barbu Marius Alexandru, investigated for having committed the criminal offences of illegal arrest and abusive investigation, as provisioned for and punished by Article 266 (2) of the Penal Code and ill-treatment, as provisioned for and punished by Article 267 of the Penal Code;
* Pasache George, Sterian Marian, Cristea Romeo, Dumitru Daniel, Ţiu Nicolae, Radu Marian, Tudorache George, Ţincu Dragoş, Şova Dan, Radu Cosmin, investigated for having committed the criminal offences of abusive behavior, as provisioned for and punished by Article 250 of the Penal Code and ill-treatment, as provisioned for and punished by Article 267 of the Penal Code;
* Duţă Crişan Marian, investigated for having committed the criminal offence of failure to notify the judicial authorities, as provisioned for and punished by Article 263 of the Penal Code,

HEREBY FOUND AS FOLLOWS:

Considerations concerning the documents initiating proceedings submitted in this case:

1. On 15 September 2010, the Prosecutor’s Office attached to Bucharest Court of Appeals registered criminal case no. 1606/P/2010, concerning the initiation of proceedings *ex officio*, having the same date, in connection with several workers within the Police Inspectorate of Ilfov County having committed the criminal offence of illegal arrest and abusive investigation, as provisioned for and punished by Article 266 (1) and (2) of the Penal Code and the criminal offence of failure to notify the judicial authorities, as provisioned for and punished by Article 263 of the Penal Code, committed by a medical worker within the Center for Remand and Provisional Arrest no. 2, in Bucharest Municipality. The document initiating proceedings specified that the offences relating to the above-mentioned criminal offences have been pointed out by four members within the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (herein after referred to as C.P.T.). Thus, in respect of the first criminal offence, the C.P.T. members referred to the perpetration of acts of aggression against two individuals held in custody, named Dinu Valentin and Anton Florin, with whom they talked during the visits to the detention facilities. Following the talks with Dinu Valentin and Anton Florin, the C.P.T. members paid a visit to Ilfov County Police Inspectorate, where, in one of the offices of the Criminal Investigation Department, they identified several items (a baseball bat, an electroshock stick and a hard object made of metal with several knotted cables in the middle) which matched the description of the items indicated by Dinu Valentin and Anton Florin. As for the second criminal offence held in the document initiating proceedings, C.P.T. members noticed the existence, in the medical charts of the remanded persons Dinu Valentin and Anton Florin, of indications that they had been subject to assault, which was not also noted down by the doctor of the Center for Remand and Provisional Arrest no. 2 in Bucharest Municipality. Furthermore, the C.P.T. members also noticed that Anton Florin holds a forensic medical certificate, the conclusions of which indicate that he suffered lesions which could date from 24 February 2010, and which required 8-9 days of medical care to heal. In connection with such lesions, Anton Florin stated that they had been inflicted by the same workers of Ilfov County Police Inspectorate, during the time when he was investigated in another criminal case managed by the same institution. The proceedings concerning the aggression against Anton Florin occurred in February 2011 forms the object of another penal case no. 931/P/2010 pending before the Prosecutor’s Office attached to Bucharest Court of Appeal.

1. On 12 October 2010, in case no. 1606/P/2010, a complained was attached, dated 08 October 2010, lodged by the attorneys Muşat Veronica and Muntenescu Andrei on behalf of Dinu Valentin Iulian, Anton Florin, Popescu Cătălin, Stancu Marian, Brezeanu Nicoleta and Radu Dumitru, claiming that several police officers within Ilfov County Police Inspectorate had committed offence of abusive investigation, illegal remand, inhuman and degrading treatment, in respect of which it was claimed that they had taken place on 26 August 2010. According to the allegations detailed in the two complaints, the offences consisted of:

* acts of physical and verbal aggression occurred while they were on remand at Ilfov County Police Inspectorate, namely that they were forced to kneel down, were slapped, spitted and insulted *“in every possible manner”* by the “*masked” (law enforcement officers wearing masks);*
* in the building of Ilfov County Police Inspectorate, they were subject to electric induction procedures (electroshocks) by a police worker allegedly named “*Cristi”;* also at the offices of Ilfov County Police Inspectorate, there were hit by the “*masked*”*;*
* Anghel Alin Dumitru, Dinu Valentin Iulian, Anton Florin Popescu Cătălin were hit while kept in the rest room (WC), but also in an area behind the Prosecutor’s Office attached to Buftea Local Court;
* the police workers, including the “*masked”* committing degrading, offensive acts, such as: forcing them to dance, to squat, arm wrestling, repeatedly waking them up by the application of electroshocks, using insults against them, and others.

1. On 13 October 2010, case no. 1719/P/2010 was merged into case no. 1606/P/2010, in respect of a complaint, dated 30 August 2010, filed by:

* Anton Ionuţ Daniel, who claimed that, on 26 August 2010, following an investigation conducted in his house, he was taken to the offices of Ilfov County Police Inspectorate, where he was subjected to acts of physical and psychic violence by several police officers, whom he did not name;
* Popescu Cătălin, who claimed that, on the days of 26 and 27 August 2010, during the investigation conducted at the offices of Ilfov County Police Inspectorate, he was subjected to acts of physical and psychic violence by several police officers, among whom he pointed out someone named Dănăilă;
* Stancu Marian, who, similarly, claimed that, on the days of 26 and 27 August 2010, during the investigation conducted at Ilfov County Police Inspectorate and at the offices of the Prosecutor’s Office attached to Buftea Local Court, he was subjected to acts of physical and psychic violence by several police officers, among whom he pointed out someone named “*Vişu”.*

1. On 19 October 2010, in case no. 1606/P/2010, a complaint was lodged, dated 08 October 2010, having as addressee the National Anticorruption Directorate, submitted by attorneys Muşat Veroniea and Muntenescu Andrei on behalf of Dinu Valentin Iulian, Anton Florin, Popescu Cătălin, Stancu Marian, Brezeanu Nicoleta and Radu Dumitru, a complaint having the same content as described in section 2.
2. On 20 October 2010, case no. 1881/P/2010 was merged to case no. 1606/P/2010, having as its object a complaint, sent to the Prosecutor’s Office attached to the High Court of Cassation and Justice, submitted by Vasile Costel requesting that the police officer named “*Cristi”* and other police officers within Ilfov County Police Inspectorate be held accountable for the fact that, on 26 and 27 August 2010, they subjected him to acts of violence during a criminal investigation in which he was investigated together with other individuals.
3. On 22 October 2010 and 25 October 2010, two complaints were attached to case no. 1606/P/2010, both dated 08 October 2010, sent to the Prosecutor’s Office attached to Bucharest Tribunal, and to the Ministry of Administration and Interior, submitted by attorneys Muşat Veronica and Muntenescu Andrei on behalf of Dinu Valentin Iulian, Anton Florin, Popescu Cătălin, Stancu Marian, Brezeanu Nicoleta and Radu Dumitru, complaints having the same content as described in section 2.
4. On 02 November 2010, a report dated 06 June 2010 was attached to case no. 1606/P/2010, issued by the panel appointed to try the case forming the object of case no. 8727/947/2010, pending before Buftea Local Court, specifying that, during the hearing date of 06 October 2010, the defendants Anghel Alin Dumitru, Radu Dumitru, Vasile Costel and Popescu Cătălin submitted a verbal complaint, in particular stated that they had been subjected to physical abuse during the criminal prosecution conducted in case no. 6135/P/2009 pending before the Prosecutor’s Office attached to Buftea Local Court;
5. On 04 November 2010, two complaints were submitted to case no. 1606/P/2010, submitted by attorneys Muşat Veronica and Muntenescu Andrei on behalf of Dinu Valentin Iulian, and Vasile Costel, whereby they requested the police officer “*Cristi”* and other police officers within the County Police Inspectorate to be held accountable for offences of physical and psychic violence committed against them during the criminal investigation conducted on the days of 26 and 27 August 2010;
6. On 10 November 2010, a complaint was attached to case no. 1606/P/2010 submitted by the attorney Petre Ştefan on behalf of Vasile Costel, where, similarly, he claimed that he had been subjected to acts of violence by police officers, among which he nominated an individual named “*Cristi*”;
7. On the days of 12 November 2010 and 16 November 2010, two complaints were attached to case no. 1606/P/2010, both dated 08 October 2010, sent to the Prosecutor’s Office attached to Bucharest Tribunal, and to the Ministry of Justice, submitted by attorneys Muşat Veronica and Muntenescu Andrei on behalf of Dinu Valentin Iulian, Anton Florin, Popescu Cătalin, Stancu Marian, Brezeanu Nicoleta and Radu Dumitru, complaints having the same content as described in section 2;
8. On 01 March 2011, file no. 199/P/2011 was merged into case no. 1606/P/2010, concerning the a complaint submitted by attorneys Muşat Veronice and Muntenescu Andrei on behalf of Dinu Valentin Iulian, whereby he requested that the police officer “*Cristi*” and other police officers within the County Police Inspectorate be held accountable for acts of physical and psychic violence committed during the investigation conducted against him.
9. Also on 01 March 2011, case no. 200/P/2011 was merged into case no. 1606/P/2010, concerning the complaint submitted by attorneys Muşat Veronica and Muntenescu Andrei on behalf of Vasile Costel, whereby he requested that the police officer “*Cristi*” and other police officers within the County Police Inspectorate be held accountable for acts of physical and psychic violence committed during the investigation conducted against him.

As it may be noticed, in the documents initiating proceedings specified in items 2, 4, 6 and 10, the person named Brezeanu Nicoleta (the accurate name being Brezeanu Nicoleta Flori) was also recorded, nevertheless, during the hearing dated 10 January 2011, she stated that she was recorded in the complaint because she was also held on remand by the police officers, however, she was not hit by them.

Summary of facts:

Criminal case no. 6135/P/2009 was pending before the Prosecutor’s Office attached to Buftea Local Court, which concerned, *inter alia*, the following:

* An offence of theft committed on the night of 21/22 February 2010, against SC IM 59 R Vest SRL Mogoşoaia, Ilfov County;
* an offence of theft committed between 27 and 29 April 2010, against the person named M Antranig Mihail, of the town of Otopeni, Ilfov County;
* an offence of theft committed on 05 July 2010, against the person named Matei M of Lieşti Commune, Galaţi County;
* an offence of robbery committed on the night of 15/16 July 2010, against the person named Ştefanca Ioan, of the town of Otopeni, Ilfov County;
* an offence of theft committed on the night of 15/16 July 2010, against the person named Marin Antranig Mihail, of the town of Otopeni, Ilfov County;
* an offence of theft committed on 03 August 2010, against the person named Ţurlete Cosmin of Piteşti Municipality, Argeş County;
* an offence of theft committed on 10 August 2010, against the person named Abageru Alin, of the town of Ştefăneşti, Argeş County;
* an offence of theft committed on 12 August 2010, against the person named Amurăriţei Alexandru, of Bucharest Municipality.

Among the persons suspected of having committed the offences listed above were also the plaintiffs Anton Florin, Radu Dumitru, Anton lonuţ Daniel, Stancu Marian, Popescu Cătălin, Anghel Alin Dumitru, Vasile Costel and Dinu Valentin Iulian, but also other individuals, some of which from the Commune of Mogoşoaia, Ilfov County.

With a view to settling the cases having formed the object of case no. 6135/P/2009, Buftea Local Court authorized 21 house searches to be conducted, most of which in residences of persons from the Commune of Mogoşoaia, Ilfov County. Among the authorizing documents were the following:

* authorization no. 90 of 24 August 2010, valid for 15 days, for the building in the Commune of Mogoşoaia, 59 Monumentul Eroilor St., Ilfov County, where Anton Florin resides;
* authorization no. 91 of 24 August 2010, valid for 15 days, for the building in the Commune of Mogoşoaia, 29 Toamnei St., Ilfov County, where, according to the data recorded in the authorizing deed, Radu Dumitru resides;
* authorization no. 92 of 24 August 2010, valid for 15 days, for the building located in the Commune of Mogoşoaia, 3 Poieni St., Ilfov County, where Anghel Alin Dumitru resides;
* authorization no. 94 of 24 August 2010, valid for 15 days, for the building located in the Commune of Mogoşoaia 4A Toamnei St., Ilfov County, where Dinu Valentin Iulian resides;
* authorization no. 95 of 24 August 2010, valid for 15 days, for the building located in the Commune of Mogoşoaia, Cocorilor St., Ilfov County, where, according to the considerations contained in the authorizing document, was the unofficial residence of Popescu Cătălin;
* authorization no. 96 of 24 August 2010, valid for 15 days, for the building in the Commune of Mogoşoaia, 22 Narciselor St., Ilfov County, where Popescu Cătălin resides;
* authorization no. 102 of 24 August 2010, valid for 15 days, for the building in the Commune of Mogoşoaia, 3 Ariciului St., Ilfov County, where Brezeanu Nicoleta Florica resides;
* authorization no. 108 of 24 August 2010, valid for 15 days, for the building in the Commune of Mogoşoaia, 53 Monumentul Eroilor St., Ilfov County, where Stancu Marian resides.

Having regard to the large number of house searches which have been authorized, but also the complexity of this case, the management of Ilfov County Police Inspectorate ordered that the searches and other proceedings necessary in settling case no. 6135/P/2009 be conducted on one and the same day, in particular on 26 August 2010. For this activity, a large number of police officers within Ilfov County Police Inspectorate and the subordinated police precincts have been appointed. Furthermore, these activities also involved police officers known under the name of “*masked (law enforcement officers wearing masks)*”, within the Rapid Intervention Department, wearing specific equipment, including balaclavas. According to the data provided by Ilfov County Police Inspectorate, the missions which took place on 26 August 2010 involved 63 police workers, as follows:

Workers having the capacity of investigation officer with the judiciary police

1. chief commissioner Huidan Tudorache
2. commissioner Popa Marinică
3. commissioner Ştefanache Gică
4. sub-commissioner Gheorghe Anton-Cristian
5. commissioner Vlăsceanu Daniel
6. sub-commissioner Cozma Mihai
7. sub-commissioner Duma-Dancăi Andrei-Cristian
8. inspector Manole Adrian
9. inspector Petre Constantin-Nuţu
10. inspector Stoian Mirela-Georgiana
11. sub-inspector Acsente Daniel-Sorin
12. sub-inspector Boangiu Adrian
13. sub-inspector Ilie Mădălina-Ancuţa
14. sub-inspector Mazilu Dragoş-Nicolae
15. sub-inspector Petrache Cosmin
16. sub-inspector Pielmuş Gabriel
17. sub-inspector Radu Valentin
18. deputy chief agent Seciu Dănuţ
19. deputy chief agent Stancu Ion
20. principal chief agent Bărăscu Gheorghe
21. principal chief agent Eremia Ion
22. principal chief agent Răbâncă Marin
23. chief agent Bauer Marius
24. chief agent Boboc Lucian
25. chief agent Cerchez Cornel
26. chief agent Cojocariu Adrian
27. chief agent Dănăilă Ionel
28. chief agent Gheorghe Emil
29. principal agent Budurea Cezar
30. principal agent Dima Alexandru -Gabriel
31. principal agent Ghiţă Gheorghe-Daniel
32. principal agent Ionescu Romel-Adrian
33. principal agent Krekan Vasile
34. principal agent Oiţă Iulian-Cristian
35. principal agent Radu Adrian
36. agent Antache Ioan-Valentin
37. agent Barbu Marius-Alexandru
38. agent Lupan Costel-Gabriel
39. agent Mânu George-Adrian
40. agent Matei Ionel
41. agent Spirea Alina
42. agent Vişu Valentin

Workers who do not have the capacity of investigation officer of the judiciary police

1. sub-inspector Dragomir Valentin
2. sub-inspector Geboiu Dumitru-Mihai
3. sub-inspector Grecu Alin-Ionuţ
4. sub-inspector Ivaşcu Constantin-Răzvan
5. sub-inspector Jarcău Isabela-Maria
6. sub-inspector Pripici Georgel
7. sub-inspector Softică Adrian-Iulian
8. sub-inspector Tofoleanu Oana-Alexandra
9. sub-inspector Talpă Lidia
10. agent Rosman Andreea-Mihaela
11. inspector Trifan Lucian

Workers within the Rapid Intervention Department

1. inspector Pasache George
2. inspector Sterian Marian
3. chief agent Cristea Romeo
4. chief agent Dumitru Daniel
5. chief agent Ţiu Nicolae
6. chief agent Radu Marian
7. principal agent Tudorache George
8. principal agent Ţincu Dragoş
9. principal agent Şova Dan
10. agent Radu Cosmin

With a view to conducting the above-mentioned searches which had been authorized, several teams were set up, the members of which were instructed on the activities which they had to undertake on that day. During the instruction meetings, the search warrants were provided, but also the default warrants, issued on 25 August 2010 by sub-commissioner Gherghe Anton Cristian, in the name of the persons suspected of having committed the offences which formed the object of case no. 6135/P/2009.

On the morning of 26 August 2010, the members of the teams, under the command of sub-commissioner Gherghe Anton Cristian, went to the Commune of Mogoşoaia, Ilfov County, where they engaged in the searched authorized by Buftea Local Court. On the same occasion, they identified several goods which were determined to originate from the offences investigated in case no. 5135/P/2009. In the searched buildings, they identified several individuals, among which there were also the plaintiffs Anton Florin, Radu Dumitru, Anton Ionuţ Daniel, Stancu Marian, Popescu Cătălin, Anghel Alin Dumitru, Vasile Costel and Dinu Valentin Iulian. They were taken to the headquarters of Ilfov County Police Inspectorate in order to undergo investigations in the above-mentioned case, or to provide explanations in connection with the goods identified and collected during the searches which were conducted.

When they reached the headquarters of Ilfov County Police Inspectorate, the individuals suspected of having been involved in the perpetration of the offences investigated in case no. 6135/P/2009 were taken to the offices of the Criminal Investigation Department, where the investigation activities took place. On the same day, sub-commissioner Gheorghe Cristian issued ordinance for the remand of nine out of the investigated individuals, in particular, Vasile Costel, Radu Dumitru, Dinu Valentin Iulian, Anton Florin, Anghel Alin Dumitru, Popescu Cătălin, Brezeanu Nicoleta Florica, Anghel Marian Eugen and Stancu Marian.

On the night of 26/27 August 2010, the persons apprehended were delivered to the Medical Facility for Arrest within the General Police Inspectorate of Bucharest Municipality (D.G.P.M.B.), where they have been examined by the general practitioner nurse Duţă Crişan Marian. The medical documents drawn up during the examination, Duţă Crişan Marian recorded that the plaintiffs had no traces of physical violence, except for Anton Florin, who had a scratch on his back.

On the following day, sub-commissioner Gheorghe Cristian drew up a report recommending that criminal prosecution be initiated and provisional arrest be enforced against the persons which were subjected to the preventive measure of remand. They were taken to the address of the Prosecutor’s Office attached to Buftea Local Court, in order to be heard by the prosecutor who supervised the criminal prosecution proceedings conducted in case no. 6135/P/2009. The case prosecutor partially admitted the recommendation submitted by the criminal prosecution officer, within the meaning that he ordered the criminal investigation to be initiated against Vasile Costel, Radu Dumitru, Diu Valentin Iulian, Anton Florin, Anghel Alin Dumitru, Popescu Cătălin, Brezeanu Nicoleta Florica and dismissed the recommendation submitted in that respect in connection with Anghel Marian Eugen and Stancu Marian.

From the headquarters of the Prosecutor’s Office attached to Buftea Local Court, Vasile Costel, Radu Dumitru, Dinu Valentin Iulian, Anton Florin, Anghel Alin Dumitru, Popescu Cătălin, Brezeanu Nicoleta Florica were taken to Buftea Local Court, where they appeared before a judge, with the recommendation to be put under provisional arrest. By means of court minutes no. 38 dated 27 August 2010, issued in case no. 8218/9472010 of Buftea Local Court, the measure of provisional arrest was enforced against Anton Florin, Dinu Valentin Iulian, Vasile Costel, Anghel Alin Dumitru and Radu Dumitru, for a period of 29 and 19 days, respectively. The same court minutes dismissed the recommendation for provisional arrest against the plaintiffs Popescu Cătălin Brezeanu Nicoleta, who were investigated without remand.

On 28 August 2010, as a result of poor health, Anton Florin and Dinu Valentin Iulian were taken from the arrest facility to the University Emergency Hospital Elias, in Bucharest, where they underwent medical investigations. The medical issues found on that occasion formed the object of two forensic medical appraisals, ordered in this case, and which were conducted by the Romanian Institute of Forensic Medicine “Mina Minovici”.

Conclusions concerning the injuries present on the body of plaintiff Dinu Valentin Iulian

*“As deriving from the medical documentation recorded, the person named Dinu Valentin Iulian underwent examination on 28 August 2010 at University Emergency Hospital Elias, where the diagnostic was:* *\*Bruised right thigh, accompanied by hematoma\*. Having regard to the medical conclusions of 28 August 2010 (and subject to objective forensic medical examination conducted on the same date) the traumatic injury could most likely have been caused on 26 August 2010 by hitting with or against a hard/flat object. He required 5-6 (five-six) days of medical care. During the clinical examination recorded, there was no reference and there are no objective elements pointing to the “application of electroshocks\*. The traumatic injury did not result in any of the provisions of Article 182 of the Criminal Code.*”

Conclusions concerning the injuries present on the body of plaintiff Anton Florin

*“As deriving from the medical documentation recorded, the person named Anton Florin underwent examination on 28 August 2010 at University Emergency Hospital Elias, where the diagnostic was: \*Multiple injuries caused by aggression, affirmative 48 h old. Minor TCC degree 0. Minor thoraco-abdominal injury. Right fist injury. Injured right thigh and punctured wound at the same level*\*. *As specified in the above-mentioned medical document (and subject to objective forensic medical examination conducted on the same date) the injuries could most likely have been caused on 26 August 2010 by hitting with or against hard/flat objects. He required 7-8 (seven-eight) days of medical care. During the clinical examination recorded, there was no reference and there are no objective elements pointing to the “application of electroshocks\*.*

*As recorded, the traumatic injuries did not result in any of the provisions of Article 182 of the Criminal Code.”*

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With a view to settling this case, the eight plaintiffs named in the complaints submitted to the case file were heard. Please find herein below, excerpts from their statements given in connection with the offences committed against them:

- Anton Florin: “*...On 26 March 2010, I was physically aggressed until the time we reached the headquarters of Ilfov County Police Inspectorate by a police officer which I know to be a criminal specialist with Ilfov County Police Inspectorate and possible named Alex, who told me that he had allegedly received instructions from his superior, Gheorghe Cristi, to beat me...When we reached the headquarters of Ilfov County Police Inspectorate, I was taken into the office of police worker Gheorghe Cristi, where I was placed on my stomach and hit by the above-mentioned police worker, which I have specified to know only by the name of Alex, by four masked individuals within the Romanian Intelligence Service (SRI), the chief of Mogoşoaia precincts and by another police worker...under the same circumstances, I was subjected to electroshocks with an electric torch approximately half meter long... Please note that both during our way to the Prosecutor’s Office of Buftea and during our way to the Arrest Facility within Police Station 5, where I was detained, I was hit with fists by the masked officers...”*

- Dinu Valentin Iulian: “*...The Chief of Mogoşoaia Police Precincts, the person named Dănăilă Ionel, told the police workers named Cristi and Alex to take us and beat us into admitting to the offences they were investigating... I was handcuffed with the hands behind my back, placed on my stomach and subjected to electroshocks all over my body...Considering that, because of the electroshocks, at times I lost consciousness, the police workers threw water on me to recover. At the same time, because I refused to sign the papers which were forced on me, they beat me with an aluminum cable... I was again beaten by the police worker I know under the name of Alex in the rest room at the headquarters of the Prosecutor’s Office...After I was taken from the prosecutor’s bureau, I was taken in the yard of the institution, where I was* *again submitted to physical aggression by the above-mentioned police worker.*

- Radu Dumitru: *“...On the morning of 26 August 2010...on our way toward Ilfov County Police Inspectorate, one of the masked officers and the police officer Popa requested me to lie on my stomach, a position in which I was struck with fists and feet by the two persons indicated above…Once we reached the offices of Ilfov County Police Inspectorate... we were kept in a kneeled position, facing the wall...I was struck by three masked officers and two wearing civilian clothes. I do not know the name of the masked officers or of the civilians who struck me... I was repeatedly hit by the police officer Popa, by the masked officers and by the two civilians...In the early hours of the morning, we were violently woken up, meaning that several workers wearing civilian clothes, whose names I do not know, subjected us to electroshocks....Moreover, also in order to wake us up, they used a bat, with which both I and the other individuals were hit...the police officer Popa requested the counsel to leave the office, and then I was hit and subjected to electroshocks by a police worker wearing civilian clothes whose name I do not know...”*

* Vasile Costel: *“...When I reached the headquarters of Ilfov County Police Inspectorate...I was taken...by police officer Dănăilă and taken into an office where I was beaten by three masked officers whose names I do not know... with a bat, fists, palms and feet. Moreover*, *the masked officers subjected me to electroshocks by means of a black baton...before being heard by the prosecutor, I was taken to the rest room, where I was beaten by two masked individuals who warned me to admit to the offences of which I stood accused...”*
* Anghel Alin Dumitru: *“...I was hit with fists, feet and a piece of iron longer than 1 m by the chief of the masked officers who guarded us, which I know to be named Cristi. He also subjected me to electroshocks ...At Cristi’s instructions, I was also hit by the other masked officers with fists, feet, with that piece of iron and with the electroshock baton...I was also hit and subjected to electroshocks by a police officer named Vişu. Furthermore, I was also hit here by the police officer Dănăilă....On the following day, after having been heard by the case prosecutor, I was taken to the rest room inside the Prosecutor’s Office building, where I was struck by Vişu, Cristi and by other masked individuals...*
* Popescu Cătălin: “*..We were taken to a waiting room where there were masked individuals who forced us to do squats, push-ups and who struck us with their fists and feet...afterwards, I was also hit by a police officer...after I stated that I had committed none of the criminal offences, I was subjected to electroshocks by two police officers...on our way to the hospital, while in a van with the persons named Dinu Valentin, Anghel Alin, Sterian Marian, because we refused to dance to the music, we were beaten by two masked officers. The others and I were beaten by the masked officers and by the police workers, because we said that we were beaten... while in the hallway of Ilfov County Police Inspectorate I was hit...by the police workers Axente with Otopeni Police.*

*-* Stancu Marian: *“...When we reached Ilfov County Police Inspectorate....we were forced to kneel facing the police officer Cristian Gheorghe...while kept on my knees, a masked officer came, who insulted me and repeatedly slapped me over my head. We were taken to another office where...I was slapped by a police officer named Remus within Ilfov County Police Inspectorate...I was kept in the County Police Inspectorate until around 1 a.m., and we tried to sleep, but could not, because a masked officer kept waking us up with an electroshock baton...we were taken in a car....where a masked police officer played loud music and forced us to dance. In the car, the same masked police officer used pornographic words against us and hit us with a telescopic bat,..while we were sleeping, the masked officers repeatedly woke us up with the electroshock baton...afterwards, I found out that among those who had struck me there was one known by the name of Vişu, working with the County Police Inspectorate. The other individuals who hit me I do not know by name, by I can recognize them...”*

- Anton Ionuţ Daniel: *“...At the headquarters of lIfov County Police Inspectorate,... we were taken on the ground floor, in the hallway, where we were kept with our arms up*, *standing, facing the wall, while I was in the hallway, in the position described above, I was struck by the police officer Vişu with his feet in my back...We were taken to another office.... where the four masked officer...forced us to challenge each other by jumping, arm wrestling...push-ups, squats ..I was slapped over my ears and hit with the foot in my back by a masked officer.*

As it may be noticed, Anton Florin, Radu Dumitru, Anton Ionuţ Daniel, Stancu Marian, Popescu Cătălin, Anghel Alin Dumitru, Vasile Costel and Dinu Valentin Iulian claim that they have been submitted to physical and psychic violence by several police workers who took part in the activities conducted on the days of 26 and 27 August 2010. Considering that the plaintiffs could not indicate the identity of the police workers which they claimed to have committed the offences forming the object of their complaints, pick-ups from photos were ordered, in order for them to recognize the perpetrators in photos, and this was achieved by putting together a group of 67 photos, illustrating the following individuals: sub-inspector Dragomir Valentin, agent Spirea Alina, agent Vişu Valentin, agent Matei Ionel, agent Lupan Costel, agent Barbu Marius Alexandru, principal agent Radu Adrian, principal agent Oiţa Iulian Cristian, chief commissioner Huidan Tudorache, agent Radu Cosmin Adrian, principal agent Şova Dan Răzvan, principal agent Ţincu Ioan Dragoş, agent Tudorache Gheorghe, chief agent Radu Marian, chief agent Ţin Nicolae, principal agent Dumitru Daniel, chief agent Cristea Romeo Viorel, inspector Stelian Marian, agent Antache Ioan Valentin, inspector Pasache George Dorin, agent Rosman Andreea Mihaela, sub-inspector Tofoleanu Oana Alexandra, sub-inspector Sofică Adrian Iulian, sub-inspector Pripici Georgel, deputy chief agent Paraschiv Ionel, sub-inspector Jarcău Isabela Maria, sub-inspector lonaşcu Constantin Răzvan, sub-inspector Grecu Alin Ionuţ, sub-inspector Geboiu Dumitru Mihai, commissioner Popa Marinică, sub-inspector Dobre Viorel Ştefan, commissioner Ştefanache Gică, sub-commissioner Gheorghe Anton Cristian, commissioner Vlăsceanu Daniel, sub-commissioner Cosma Mihai, sub-commissioner Duma-Dancăi Andrei Cristian, inspector Manole Adrian, agent Manu George Adrian, inspector Petre Constantin Nuţu, sub-inspector Talpă Lidia, sub-inspector Stoian Mirela Georgiana, agent Vişan Florin, sub-inspector Axente Daniel Sorin, sub-inspector Boangiu Adrian, sub-inspector Ilie Mădălina Ancuţa, sub-inspector Mazilu Dragoş Nicolae, sub-inspector Petrache Cosmin, sub-inspector Pielmuş Gabriel, sub-inspector Radu Valentina, deputy chief agent Seciu Dănuţ, deputy chief agent Stancu Ioan, principal inspector Bele Emanuel Constantin, principal chief agent Bărăscu Gheorghe, principal chief agent Eremia Ioan, principal chief agent Răbâncă Marin, chief agent Bauer Marius, chief agent Cerchez Cornel, chief agent Cojocariu Adrian, chief agent Dănăilă Ionel, chief agent Gheorghe Emil, principal agent Budurea Cezar, principal agent Dima Alexandru Gabriel, principal agent Ghiţă Gheorghe Daniel, principal agent Ionescu Romeo Adrian, principal agent Krekan Vasile, chief agent Boboc Lucian and principal agent Ujică Paul.

During the procedure for displaying for recognition, the plaintiffs were requested to indicate the photos representing the police workers who had subjected them to the violence which they described, and the outcome was as follows:

- Popescu Cătălin picked up photos no. 43, 3 and 28, representing sub-inspector Acsente Daniel Sorin, agent Vişu Valentin and sub-inspector Grecu Ionuţ Alin;

- Anton Florin picked up photos no. 58, 28, 27, 51 and 57, representing agent Barbu Marius Alexandru, agent Vişu Valentin, principal chief agent Dănăilă Ionel, sub-inspector Manea Alin Ionuţ and sub-inspector Acsente Daniel Sorin;

* Radu Dumitru picked up photos no. 11, 42 and 48, representing principal chief agent Dănăilă Ionel, agent Vişu Valentin and sub-inspector Acsente Daniel Sorin;
* Dinu Valentin Iulian picked up photos no. 55, 23 and 37, representing agent Vişu Valentin, chief commissioner Huidan Tudorache and sub-inspector Acsente Daniel Sorin;
* Vasile Costel picked up photos no. 40 and 26, representing agent Vişu Valentin and sub-inspector Acsente Daniel Sorin;
* Anton lonuţ Daniel picked up photo no. 25, representing agent Visu Valentin;
* Anghel Alin Dumitru picked up photos no. 63, 57, 6 and 36 representing principal chief agent Dănăilă Ionel, agent Vişu Valentin, sub-inspector Acsente Daniel Sorir agent Barbu Marius Alexandru;
* Stancu Marian picked up photos no. 28, 3 and 43, representing sub-inspector Grecu Alin lonuţ, agent Vişu Valentin and sub-inspector Acsente Daniel Sorin.

The jurisdiction in respect of conducting criminal prosecution over the criminal offences committed by the police workers holding the capacity of investigation officers of the judiciary police is laid down in Article 27 of Law no. 218/2002, stipulating as follows:

*,,(1) The Minister of Interior, subject to the endorsement of the general prosecutor of the Prosecutor’s Office attached to the Supreme Court of Justice, appoints police officers holding the capacity of investigation officers of the judiciary police.*

1. *Criminal prosecution will necessarily be conducted by the prosecutor in case of criminal offences committed by police officers having the capacity as investigation officers of the judiciary police*.
2. *Criminal offences committed by police officers having the capacity as investigation officers of the judiciary police shall be tried in the court of first instance before the following:*
3. *tribunal, in the case of police officers provisioned by Article 14 (2) (II) of Law no. 360/2002 on the status of police servants;*
4. *court of appeal, in the case of police officers provisioned by Article 14 (2) (I) (e)* – (*j) of Law no. 360/2002;*
5. *the Supreme Court of Justice, in the case of police officers provisioned by Article 14 (2) (I) (a)* – (*d) of Law no. 360/2002.”*

The above-mentioned text of law reveals that, in order to fall under the jurisdiction of the prosecutor’s office attached to the court of appeals, on the date when the criminal offence is committed, the police officer needs to have the professional degree specified in Article 14 (2) (I) (e) of Law no. 360/2002 (police chief commissioner, police commissioner, police sub-commissioner, police principal inspector, police inspector, police sub-inspector as capacity of investigation officer of the judiciary police.

From among the police workers nominated in the complaints submitted to the case and pointed out during the hearings and picked up from the photos, only four, in particular sub-commissioner Gheorghe Cristian, chief commissioner Huidan Tudor, sub-inspector Acsente Daniel Sorin and sub-inspector Grecu lonuţ Alin, have the professional degree and the capacity as investigation officer of the judiciary police, entailing the jurisdiction of the prosecutor’s offices attached to courts of appeal. The complaints filed in this case, but also the clarifications submitted by the plaintiffs required proceedings to be undertaken prior to the initiating the criminal investigation against the following:

- sub-commissioner Gheorghe Cristian, for having committed the criminal offences of de illegal arrest and abusive investigation and ill-treatment, as provisioned for and punished by Article 266 (1) and (2) and Article 267 of the Penal Code;

- chief commissioner Huidan Tudorache, sub-inspector Acsente Daniel Sorin and sub-inspector Grecu Ionuţ Alin, for having committed the criminal offences of illegal arrest and abusive investigation and ill-treatment, as provisioned for and punished by Article 266 (1) and Article 267 of the Penal Code

Upon the hearings, sub-commissioner Gheorghe Cristian, chief commissioner Huidan Tudorache, sub-inspector Acsente Daniel Sorin and sub-inspector Grecu Ionuţ Alin denied to having committed the alleged offences and stated that it was not true that they used physical or language violence against the plaintiffs.

In order to clarify the claimed offences, the persons named Ilie Marius Constantin (his actual name being Ilie Marius Cătălin), Ilie Mihaela Corina, Dinu Virginia, Radu Ioana (her current name being Anghel Ioana), Popescu Matilda, Cazacu Alexandru Daniel were heard, about which the plaintiffs said that they were aware of the offences of battery committed against them.

Dinu Virginia, mother of the plaintiff Dinu Valentin Iulian, stated that the plaintiffs Popescu Cătălin, Stancu Marian, Anton Ionuţ and Brezeanu Nicoleta told her that her son was allegedly beaten at the headquarters of Ilfov County Police Inspectorate, and afterwards near the building where the Prosecutor’s Office attached to Buftea Local Court and Buftea Local Court operate, by police workers, in particular by a “*masked*” officer.

Valeria Ecaterina, mother of the plaintiff Vasile Costel, claimed that she visited Rahova Penitentiary several times, on which occasion her son told her that he had been beaten and subjected to electroshocks by the police workers who investigated him and “*masked*” officers who beat him, the names of whom she could not indicate.

Anghel Ioana stated that, during the search conducted in her house, her son, named Radu Dumitru, was taken behind the house where he was beaten by a “*masked”* officer*.* She further stated that, after the date when her son was apprehended, she visited him, and her son told her that he had been beaten at the headquarters of Ilfov County Police Inspectorate by “*masked*” officers.

Popescu Matilda, mother of plaintiff Popescu Catalin, stated that she saw “*masked*” police workers hitting one of the investigated persons, known under the name of “*Mânuţă”* and that, after his release, her son told her that he had been beaten by “*masked”* police officers and by sub-commissioner Gheorghe Cristian and sub-inspector Acsente Daniel Marius Cătălin.

Ilie Marius Catalin, son of Brezeanu Nicoleta, stated that, on the evening of [*illegible*] 2010, while he awaited his mother exiting the building of Ilfov County Police Inspectorate, he saw several unknown persons who, judging by the way they looked and behaved, he suspected that they had been beaten;

Ilie Mihaela Corina, daughter of Brezeanu Nicoleta, revealed the same as the testimonies given by Ilie Marius Cătălin, within the meaning that she saw persons coming out of the building of Ilfov County Police Inspectorate, which, without talking to them, she concluded that they had been beaten.

Cazacu Alexandru Daniel stated that, on the day of 26 August 2010, he went to the building of Ilfov County Police Inspectorate, where he saw several unknown persons coming out of the building, who told him that they had been beaten by the “*masked officers who had guarded them”.* He further stated that, after he was released, his brother in law, named Stancu Marian, told him that he had allegedly been beaten by *“masked”* sub-commissioner Gheorghe Cristian, and, on 27 August 2010, while waiting at the Prosecutor’s Office attached to Buftea Local Court, he saw some of the remanded persons being hit by “*masked”* officers*.*

As it may be noticed, during the hearing of the above-mentioned witnesses, from the police workers who took part in the activities performed on 27 August 2010, only two were nominated, in particular sub-commissioner Gheorghe Cristian and Acsente Daniel Sorin. The matters described by the witnesses in connection with the offences held in their charge are factual elements with indirect evidentiary value (plaintiffs’ statements), which may only be taken into consideration if corroborated with evidence deriving from the entire evidence material taken in this case.

To that purpose, the persons (counsels) providing legal assistance to the persons investigated in case no. 6135/P/2009 were also heard, the testimonies of which are attached in excepts herein below:

* Bodolan Fănel: *“...I did not see Popescu Cătălin or other accused being hit inside the building of the County Police Inspectorate...”;*
* Hotinceanu Mihai Laurenţiu: “*...I did not see him (Vasile Costel, note added, and the other investigated persons being struck by police officers or having traces of violence. Mention is to be made that Vasile Costel and Stancu Marian were the persons to whom the undersigned provided legal assistance, but neither of them told me that he had been beaten by the police officers…”*
* Rădulescu Cătălina: “*...I provided legal assistance to Dinu Valentin Iulian and Anghel Alin Dumitru ...did not tell me that they had been beaten by police officers in order to admit to the offences, and I noticed no traces of violence and I did not see myself that they or the other investigated individuals being struck by police officers... ”*
* Ghenu Petre: *“...Stancu Marian was heard in my presence, following a form and by handwritten statement, and he never told me that he had been beaten by police officers, although I asked him, when I noticed traces of violence on his body...I did not see any other of the investigated individuals being struck by police officers in the building of Ilfov Police Inspectorate...”*
* Petcu Cristian: *“...The two individuals whom I assisted (Anton Florin and Dumitru, note added) did not have any traces of violence and they never told me that they had been beaten by police officers...I did not see any police officers assaulting the two or any other remanded persons.”*
* Durvea Cristinel: *“On 26 August 2010, in my capacity as counsel for the offenders Anghel Marian Eugen and Popa Ilie, I was present upon their hearing in the building of Ilfov County Police Inspectorate. I did not see them being struck or assaulted by police officers in Ilfov County Police Inspectorate and they had no traces of violence”.*

Apart from the witnesses nominated above, the sub-commissioner Gheorghe Cristian, commissioner Huidan Tudorache, sub-inspector Acsente Daniel Sorin and sub-inspector Grecu Ionuţ Ali, there were another 58 police workers, who took part in various ways in the activities conducted on the days of 26 August 2010 and 27 August 2010, and their testimonies do not contain any factual elements confirming the criminal offences claimed in this case.

In accordance with the provisions of Article 75 in conjunction with Article 63 (1) of the Penal Procedure Code, the testimonies of the injured party could serve to finding the truth, only insofar as they may be confirmed by other evidence deriving from the entire evidentiary material existing in this case.

The criminal theory and judicial practice stipulated that the presumption of innocence, as provisioned for in Article 52 of the Criminal Procedure Code, can only be overturned by definitive proof on the guilt of the investigated person. If such certainty cannot exist, the presumption of innocence prevails and may be supplemented by the principle that any doubt benefits the investigated person (*in dubio pro reo*).

The material taken in this case, in addition to the plaintiffs’ statements, do not result in any other direct evidence, leading to the conclusion that they had been struck by sub-commissioner Gheorghe Cristian, chief commissioner Huidan Tudorache, sub-inspector Acsente Daniel Sorin and/or sub-inspector Grecu Ionuţ Alin during the investigation conducted on the days of 26 August 2010 and 27 August 2010, at the headquarters of Ilfov County Police Inspectorate. As already stated, the witnesses specified in the documents initiating proceedings stated that the plaintiffs told them that they had been struck by the police workers, from which they pointed out sub-commissioner Gheorghe Cristian and sub-inspector Acsente Daniel Sorin. In the absence of other direct evidence, the factual elements with indirect evidentiary force provided by the witnesses, as well as the plaintiffs’ statements fail to definitely prove, without any doubt, that the offences of abusive investigation and ill treatment were indeed committed by sub-commissioner Gheorghe Cristian, chief commissioner Huidan Tudorache, sub-inspector Acsente Daniel Sorin and sub-inspector Grecu Ionuţ Alin.

Under such circumstances, it is our conclusion that the presumption of innocence benefiting sub-commissioner Gheorghe Cristian, chief commissioner Huidan Tudorache, sub-inspector Acsente Daniel Sorin and sub-inspector Grecu Ionuţ Alin was not overturned and, implicitly, that they may not be charged of having committed the criminal offences of illegal arrest and abusive investigation, as provisioned for and punished by Article 266 (2) of the Penal Code and ill-treatment, as provisioned for and punished by Article 237 of the Penal Code, for which they are investigated.

In the case, investigations were also conducted against sub-commissioner Gheorghe Cristian for having committed the criminal offence of illegal arrest and abusive investigation, as provisioned for and punished by Article 266 (1) of the Penal Code. In this respect, following the investigations conducted in the case it was ascertained that, on the day of 26 August 2010, sub-commissioner Gheorghe Cristian issued nine ordinances for the remand, for a period of 24 ore, of the persons named Vasile Costel, Radu Dumitru, Dinu Valentin Iulian, Anton Florin, Anghel Alin Dumitru, Popescu Cătălin, Brezeanu Nicoleta Florica, Anghel Marian Eugen and Stancu Marian.

In Article 143 of the Penal Procedure Code, the law-maker laid down the conditions which need to be fulfilled when imposing the provisional measure of remand. According to the above-mentioned text of law, such a measure may be taken by the prosecutor or by the criminal investigation officer against the accused or defendant, only after having heard the latter in the presence of their counsel, if there is well-grounded evidence and clues that an offence provisioned by the criminal law was committed. For the purpose of Article 681,well-grounded clues exist when the data available in the case leads to the reasonable assumption that the person subject to preliminary proceedings or criminal prosecution has indeed committed the offence of which they stand accused.

In accordance with Article 1401 of the Penal Procedure Code, a complaint may be submitted against the ordinance issued by the criminal prosecution officer, imposing the provisional measure of remand, before the expiry of the 24 hours since such measure was enforced, to the prosecutor supervising the criminal investigation.

In this case, none of the nine persons against which the provisional measure of remand was imposed used the means of appeal set forth in Article 1401 (1), first thesis, of the Penal Procedure Code, and the case prosecutor did not order it to be revoked, as he could have, in observance of paragraph 3 of the said article.

Apart from this, the documents submitted to the case file do not point out any data or clues leading to the conclusion that the provisional measure of placing the nine persons on remand, as ordered by sub-commissioner Gheorghe Cristian in the case forming the object of case no. 6135/P/2009*,* pending before the Prosecutor’s Office attached to Buftea Local Court, was adopted in breach of the conditions provisioned for in Article 143 of the Penal Procedure Code. Therefore, the court shall order the dismissal of all criminal charges against sub-commissioner Gheorghe Cristian for having committed the criminal offence provisioned for and punished by Article 266 (1) of the Penal Code, because the offences for which he is investigated are not, in terms of the objective and subjective considerations, constituent elements of that criminal offence.

As for the other offences claimed in this case, in connection with principal chief agent Dănăilă Ionel, agent Barbu Marius Alexandru, agent Vişu Valentin, the 10 police workers within Ilfov County Police Inspectorate – Rapid Intervention Department, named Pasache G Sterian Marian, Cristea Romeo, Dumitru Daniel, Ţiu Nicolae, Radu Marian, Tudorache George, Ţincu Dragoş, Şova Dan, Radu Cosmin and Duţă Crişan Marian – within the General Police Directorate of Bucharest Municipality – the Medical Office for Arrest, considering that none of the above holds any of the capacities requiring the jurisdiction of prosecutor’s offices attached to courts of appeal, the case will be split and referred to the Prosecutor’s Office attached to Bucharest Tribunal, for appropriate jurisdiction and settlement.

For all of the considerations detailed herein above, in accordance with Article 10 (a), (d), in conjunction with Article 228 (6) of the Penal Procedure Code, Article 27 (1) (f), Article 38, Article 42, in reference with Article 219 of the Penal Procedure Code and Article 27 (3) (a) of Law no. 218/2002, as subsequently amended and supplemented,

IT IS HEREBY ORDERED

1. The court will dismiss all criminal charges against the following individuals:

* commissioner Gheorghe Cristian, with Ilfov County Police Inspectorate, investigated for having committed the criminal offences of illegal arrest and abusive investigation, as provisioned for and punished by Article 266 (2) of the Penal Code, and ill-treatment, as provisioned for and punished by Article 267 of the Penal Code;
* chief commissioner Huidan Tudorache, sub-inspector Acsente Daniel Sorin and sub-inspector Ionuţ Alin, all three with Ilfov County Police Inspectorate, investigated for having committed the criminal offence of illegal arrest and abusive investigation, as provisioned for and punished by Article 266 (2) of the Penal Code, and ill-treatment, as provisioned for and punished by Article 267 of the Penal Code;

2. The court will split the case concerning the persons named Vişu Valentin, Dănăilă Ionel and Barbu Marius Alexandru, investigated for having committed the criminal offences of illegal arrest and abusive investigation, as provisioned for and punished by Article 266 (2) of the Penal Code and ill treatment, as provisioned for and punished by Article 267 of the Penal Code, Pasache George, Sterian Marian, Cristea Dumitru Daniel, Ţiu Nicolae, Radu Marian, Tudorache George, Ţincu Dragos Dan, Radu Cosmin, investigated for having committed the criminal offences of abusive behavior, as provisioned for and punished by Article 250 of the Penal Code and ill-treatment, as provisioned for and punished by Article 267 of the Penal Code, and Duţă Crişan Marian, investigated for having committed the criminal offence of failure to notify the judicial authorities, as provisioned for and punished by Article 263 of the Penal Code and referring the case to the Prosecutor’s Office attached to Bucharest Tribunal, for appropriate jurisdiction and settlement.

Legal expenses amounting to RON 500 shall be borne by the State.

The ruling will be served to the persons concerned.

In accordance with Article 278 (3) and (31) of the Penal Procedure Code, a complaint may be filed against this ruling, within 20 days after service of resolution, by the person who submitted the complaint or by any person concerned.

Prosecutor,

Pîrlog Gigel

[Signature: illegible]

*Translation from Romanian:*

**ROMANIA**

**The PUBLIC MINISTRY**

**The PROSECUTOR’S OFFICE ATTACHED TO**

**BUCHAREST COURT OF APPEALS**

Data controller 2701

**No. 3275/II-2/2011**

**3325/II-2/2011**

**RESOLUTION**

**23 November 2011**

**LUMINIŢA PALADE** - GENERAL PROSECUTOR OF THE PROSECUTOR’S OFFICE ATTACHED TO BUCHAREST COURT OF APPEALS

Further to examining the complaints submitted by ANGHEL ALIN DUMITRU – held in custody in Craiova Prison and ANTON FLORIN – held in custody in Rahova Prison, against the ruling issued in case no. 1606/P/2010 by the Prosecutor’s Office attached to Bucharest Court of Appeals,

**HEREBY FINDS AS FOLLOWS:**

By means of the ordinance dated 25 October 2011, issued in case no. 1606/P/2010, the Prosecutor’s Office attached to Bucharest Court of Appeals ordered in reliance upon Article10 (a) and (d) of the Penal Procedure Code, to dismiss all criminal charges against commissioner GHEORGHE CRISTIAN, chief commissioner HUIDAN TUDORACHE, sub-inspector AXENTE DANIEL SORIN, sub-inspector GRECU IONUŢ ALIN, all within Ilfov County Police Inspectorate, for having committed the criminal offence provisioned by Article 266 (1) and (2) of the Penal Code and Article 267 of the Penal Code.

The court ordered to split the case and decline the jurisdiction for settlement in favor of the Prosecutor’s Office attached to Bucharest Tribunal, with a view to carrying on the investigations conducted against VIŞU VALENTIN and others, for having committed the criminal offence provisioned by Article 250 of the Penal Code, Article 263 of the Penal Code, Article 266 (2) of the Penal Code and Article 267 of the Penal Code.

**In fact,** the Prosecutor’s Office attached to Bucharest Court of Appeals initiated proceedings *ex officio* in connection with the perpetration of the criminal offence of illegal arrest and abusive investigation, committed by police workers within Ilfov County Police Inspectorate - the Criminal Investigation Department, and the criminal offence of failure to notify the judicial authorities, committed by the doctor in charge within the Remand and Provisional Arrest Center no. 3.

Later on, case no. 5236/P/2010 of the Prosecutor’s Office attached to the Local Court of Buftea was also registered on the dockets of the Prosecutor’s Office attached to Bucharest Court of Appeals, referred by declination of jurisdiction and which concerned the complaints filed by ANTON IONUŢ DANIEL, POPESCU CĂTĂLIN and STANCU MARIAN against several police workers within Ilfov County Police Inspectorate, consisting of the fact that, on 26 August 2010, they were abusively taken from the houses where they were located and accompanied to the building of Ilfov County Police Inspectorate, where they were subjected to physical and verbal aggression in order to admit to criminal offences which they had not committed.

It was revealed that, in the building of the police precincts, ANTON FLORIN and DINU VALENTIN were also brought for investigations, and they were also subjected to physical assault.

For a better delivery of justice in case no. 1719/P/2010 pending before the Prosecutor’s Office attached to Buftea Local Court, it was merged into case no. 1606/P/2010 pending before the Prosecutor’s Office attached to Bucharest Court of Appeals.

Further to re-examining the preliminary proceedings, but also the ruling reached in this case - and in light of the challenges raised by the plaintiff – the undersigned found that it was legal and well-grounded.

According to the preliminary documents performed in this case, it followed that case no. 6135/P/2009 concerning the perpetration of several criminal offences of theft in the jurisdiction of Ilfov County was pending before the Prosecutor’s Office attached to Buftea Local Court.

Among the individuals suspected of having committed the offences of theft, there were also the plaintiffs ANTON FLORIN, RADU DUMITRU, ANTON IONUŢ DANIEL, STANCU MARIAN, POPESCU CĂTĂLIN, ANGHEL ALIN DUMITRU, VASILE COSTEL, DINU VALENTIN, but also other individuals from the Commune of Mogoşoaia.

Buftea Local Court, following the request issued by the criminal prosecution authorities, approved 21 house searches to be conducted, most of which in houses of individuals from the Commune of Mogoşoaia, Ilfov County.

With a view to undertaking the searches, the management of Ilfov County Police Inspectorate appointed, on 26 August 2010, 63 police workers within Ilfov County Police Inspectorate and subordinated police precincts, but also police workers within the Rapid Intervention Department, wearing specific equipment, including balaclavas, and they found items originating from the thefts which were notified, and therefore several persons were identified and led to the building of Ilfov County Police Inspectorate, where the investigation activity took place.

On the night of 26/27 August 2010, the remanded persons were taken to the medical facility for arrest within the General Police Directorate of Bucharest Municipality, where they have been examined by the general practitioner nurse DUŢĂ CRIŞAN MARIAN who specified, in the medical documents drawn up during the examination, that the plaintiffs had no traces of physical violence, except for ANTON FLORIN, who had a scratch on his back.

The Prosecutor’s Office attached to the Local Court of Buftea drew up a report containing recommendations to arrest the investigated individuals, and the court ordered, by means of court minutes no. 38/2010 issued in case no. 8218/2010 pending before Buftea Local Court, provisional arrest against ANTON FLORIN, DINU VALENTIN, VASILE COSTEL, ANGHEL ALIN DUMITRU and RADU DUMITRU, and dismissed the recommendation to arrest POPESCU CĂTĂLIN and BREZEANU NICOLETA, who were investigated without detention.

During the examinations conducted, the police officers showed 67 photos to the plaintiffs, for the purpose of identifying the individuals who committed physical aggression.

Sub-commissioner Gheorghe Cristian, chief commissioner Huidan Tudorache, sub-inspector Axente Daniel Sorin and sub-inspector Grecu Ionuţ were identified, having the capacity of judiciary police workers, in respect of whom preliminary proceedings were conducted in this case.

Given that the other police workers did not hold the capacity of judiciary police workers, they did not fall under the jurisdiction of the Prosecutor’s Office attached to Bucharest Court of Appeals.

When heard during the preliminary proceedings, judiciary police workers denied having used physical or verbal violence against the plaintiffs. Besides, the material reviewed in the case file, in addition to the plaintiffs’ statements, did not result in any other direct evidence leading to the conclusion that they had been struck by GHEORGHE CRISTIAN, HUIDAN TUDORACHE, AXENTE DANIEL and GRECU IONUT.

During the investigation conducted on the days of 26 and 27 August 2010 at the building of Ilfov County Police Inspectorate.

Besides, the witnesses specified in the documents initiating proceedings stated that the plaintiffs were the ones who told them that they were struck by the police workers, among which they named GHEORGHE CRISTIAN and AXENTE DANIEL.

The testimonies of the witnesses proposed by the plaintiffs may only be useful to the case insofar as they can be matched with direct evidence deriving from the entire evidentiary material submitted in the case. The attorneys heard in the case did not confirm that any physical or verbal violence was used against the plaintiffs.

In consideration of the fact that the presumption of innocence benefitting the above-mentioned police workers was not overturned, they could not be charged with having committed the criminal offence of illegal arrest and abusive investigation, which is why the court ordered to dismiss all criminal charges in this case, a decision which we believe to be legal.

Mention is also to be made that the court of law examined the offences and circumstances in which they were committed, and ordered provisional arrest to be enforced, which confirms that the recommendations issued by the judiciary police officers and by the Prosecutor’s Office attached to the Local Court of Buftea were accurate.

The plaintiffs could have appealed the measure of arrest imposed against them, however, none of these individuals used the means of appeal governed by Article1401 of the Penal Code.

The undersigned believes that the court acted in a legal manner when it decided to split the case concerning the other police workers, because the Prosecutor’s Office attached to Bucharest Court of Appeals did not have jurisdiction in that field.

In the complaints submitted against the ruling, both plaintiffs considered that the ruling was illegal, however, they provided no arguments in support of that opinion.

The absence of any relevant element from the plaintiffs, able to support the claim that the ruling was illegal, cannot entail any influence whatsoever.

For the reasons detailed herein above, the undersigned believes that the ruling which was issued is legal and well-grounded, and the complaints will be dismissed as unsubstantiated.

In reliance upon Article 275 *et seqq.* of the Penal Procedure Code,

**IT IS HEREBY ORDERED:**

* To dismiss, as unsubstantiated, the complaints filed by ANGHEL ALIN DUMITRU and ANTON FLORIN against the ruling issued in case no. 1606/P/2010 pending before the Prosecutor’s Office attached to Bucharest Court of Appeals.
* Any discontented party may file a complaint with the competent court, in particular Bucharest Court of Appeals, against this decision, in accordance with Article 2781 of the Penal Procedure Code, within 20 days after service hereof.
* This decision shall be served to the parties concerned.

**GENERAL PROSECUTOR**

**LUMINITA PALADE**

[Signature: illegible]

**ANNEX NO. 3**

Information

regarding disciplinary investigation, investigation and prosecution of prison officers who would have committed acts circumscribed

to ill-treatment of persons deprived of their liberty

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| No crt | **Prison Unit** | Period of time | Number of criminal investigations started against prison staff during January 2013 - September 2017 for each of the following offenses under the New Criminal Code: *Art. 280 Abusive Investigation, 281 Subjecting to ill Treatments, 282 Torture, 296 Abusive behavior, or Corresponding Regulations of the 1969 Penal Code* | | Number of arraignment issued each year for each type of criminal investigation and current status of the case file | A systematization of investigations that ended with closed file solution or waivers by the criminal prosecution bodies for each of the above mentioned categories (example: for substantial or procedural reasons, ending of the prescription term and if any of these were reopened by the judicial bodies regarding the Articles 340 and 341 of the New Criminal Procedure Code (NCPP) or the corresponding provisions of the 1968 Code of Criminal Procedure | Number of court orders pronounced, based on criminal investigations against prison staff, including the length of the sentence or of the other sanction and the Article of the Criminal Code that constitutes the basis of the conviction | For all the cases where an indictment had been issued against a law enforcement authority, the CPT would like to receive information if a disciplinary procedure was opened during or following the criminal investigations, including whether the person concerned was suspended from his function | Number of complaints received and investigated by the competent internal control bodies related to prison staff on alleged cases of ill-treatment or abusive behavior between January 2013 and September 2017 | From this total number of complaints, how many cases related to prison staff were submitted to the competent judicial authorities for further investigations and how many were finalized with disciplinary investigations |
| 1. | National Administration of Penitentiaries | 2013 | 250 CP/296 NCP | 3 | 0 | 2 - closed files  2 - the status of the file was not communicated. | 0 | 0 | 36 | 1 - finalized withnotifying the judicial authorities |
| 266 CP/280 NCP | 0 |
| 267 CP/281 NCP | 0 |
| 2671 CP/282 NCP | 0 |
| 297 NCP | 1 |
| 2014 | 250 CP/296 NCP | 4 | 0 | 4 - closed files  2 - the status of the file was not communicated. | 0 | 0 | 40 | 5 - finalized with disciplinary investigation |
| 266 CP/280 NCP | 0 |
| 267 CP/281 NCP | 1 |
| 2671 CP/282 NCP | 0 |
| The offense was not being classified | 1 |
| 2015 | 250 CP/296 NCP | 13 | 0 | 17 - closed files  3 - the status of the file was not communicated. | 0 | 0 | 44 | 6 - finalized with disciplinary investigation |
| 266 CP/280 NCP | 0 |
| 267 CP/281 NCP | 1 |
| 2671 CP/282 NCP | 0 |
| 297 NCP | 5 |
| The offense was not being classified | 1 |
| 2016 | 250 CP/296 NCP | 30 | 0 | 27 - closed files  1 - investigation on going;  14 - the status of the file was not communicated. | 0 | 0 | 62 | 1 - finalized withnotifying the judicial authorities  13 - finalized with disciplinary investigation |
| 266 CP/280 NCP | 0 |
| 267 CP/281 NCP | 5 |
| 2671 CP/282 NCP | 1 |
| 297 NCP | 6 |
| January 2017 – September 2017 | 250 CP/296 NCP | 16 | 0 | 8 - closed files  5 - investigation on going  12 - the status of the file was not communicated. | 0 | 0 | 29 | 1 - finalized withnotifying the judicial authorities  4 - finalized with disciplinary investigation disciplinară |
| 266 CP/280 NCP | 0 |
| 267 CP/281 NCP | 5 |
| 2671 CP/282 NCP | 2 |
| 297 NCP | 1 |
| The offense was not being classified | 1 |